

IN THE HIGH COURT OF PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

RSA No.385 of 2021(O&M)

Date of decision:16.09.2021

Ranjit Singh

...Appellant

Versus

Bal Krishan |Singh alias Guddu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Bhardwaj, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

The plaintiff(appellant) assails the correctness of the concurrent findings of fact arrived at by the Courts below while dismissing the suit for grant of a decree of permanent injunction filed by him as also the counter claim filed by the defendants.

The plaintiff filed the suit on the basis of sale deed dated 14.06.1982, executed by Mukand singh in favour of the plaintiff's father Sher Singh. He claims that the defendants be restrained from interfering in the suit property.

While contesting, the defendants asserted that Mukand Singh, Kartar Singh, Kapoor Singh, Mukhtiar Singh and Dalip Singh were joint owners and after execution of the sale deed on 21.06.1982, a writing was executed in which the parties agreed that the plaintiff shall pay only ½ of the sale consideration and sale deed shall be considered to be in relation to the internal house. The defendants also filed a counter claim with a prayer that

the plaintiff should be restrained from interfering in the usage of the property.

Both the Courts, on appreciation of evidence, have found that the plaintiff has failed to prove his case. The plaintiff admit that he has not measured the size of his plot. His brother Amrik Singh-PW4, admits that the layout/site plan produced by the plaintiff does not relate to the suit property. Moreover, both the courts have found that there is no reference to any killa/khasra numbers in the sale deed.

The learned counsel representing the plaintiff-appellant contends that as there is a sale deed in favour of the plaintiff's father, the courts have erred in dismissing the suit. He further contends that the dimension of the plot along with description of the property situated on all the four directions have been given.

This Bench has considered the submissions, but despite that found no substance therein.

As regards the first argument, it may be noted here that the plaintiff has tried to identify the property on the basis a copy of a layout/site plan. Once the plaintiff has himself admitted that he has not measured the size of the plot and PW4-Amrik Singh (his brother) admits that the layout plan does not relate to the suit property, the findings arrived by the subordinate courts does not require interference. In this suit, the only prayer is grant of decree of injunction. The plaintiff has not sought any declaration.

As regard the next contention, noticed above, it also has no substance.

The question is not of validity of the sale deed. The plaintiff pray for the relief of decree of permanent injunction. For that relief, he is

required to prove his peaceful and settled possession. He has failed to specify the suit property. The question is with regard to the evidence led to prove the identification of the suit property.

In view of the aforesaid discussion, this Court does not find any merit in the appeal.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 16, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No