

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

RSA-932-2021 (O&M)

Date of decision: 29.10.2021

Jagat Singh

....Appellant

Versus

Gian Chand and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Manpreet Kaur, Advocate for
Ms. Bandana Dogra, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff assails the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of permanent injunction restraining the defendants from interfering into his possession. The appellant claims that he is in possession of the suit property for a period of more than 100 years. The defendants contested the suit with the assertion that the plaintiff has concealed the previous litigation which was decided by the District Judge on 06.07.2013 wherein it was held that the plaintiff is not in possession of the aforesaid suit property. The defendants have further asserted that in the revenue record the property in question is recorded as Khaddian chammara which is for the entire community and not exclusively for the plaintiff. Both the courts, after appreciation of evidence, have come to a conclusion that the plaintiff has not filed the suit with clean hands. The plaintiff, while appearing as PW1 has admitted that the Gram Panchayat

has passed a resolution for construction of Anganwadi for the Adharmi community.

Heard learned counsel representing the appellant and with her able assistance perused the paper book. Learned counsel representing the appellant contends that the courts have erred in dismissing the suit filed by the plaintiff.

In the considered view of this Court, there is no substance in the present appeal. The plaintiff has failed to prove his right, title or interest in the property. He has himself admitted that the Gram Panchayat plans to construct an Anganwadi for the Adharmi community thus, the Panchayat is proposing to use the land for a common purpose. Furthermore, as per the revenue record the land is assigned for a common cause. Hence, no ground to interfere is made out.

Dismissed.

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

29.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE