2023:PHHC:093364

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-887-2019 (O&M)
Date of decision: 24.07.2023

Dayanand

....Appellant

Versus

Zameel and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ajit Kumar Sharma, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. Defendant no.4 in a suit for grant of decree of permanent injunction assails the concurrent findings of facts arrived at by the courts below while decreeing the plaintiff's suit. The dispute is with regard to a plot measuring 270 square yards. The plaintiff claims to be the owner of the property whereas the defendants claim to be in its peaceful possession. They have also challenged the locus standi of the plaintiff to bring the suit. On appreciation of the evidence, both the courts decreed the suit as the plaintiff in order to prove its case produced jamabandi for the year 2008-09 whereas defendants did not place on record any document to prove their possession.

2. Learned counsel representing the appellant submits that the possession of the defendant no.4 is admitted by DW2 and DW3. These were the witnesses who were appearing on behalf of the defendants. It is not the case of the appellant that the plaintiff has admitted the possession of the appellant. Both the courts have already appreciated the oral evidence led by the parties.

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3. In view of the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

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

24.07.2023 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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