

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

207

CR No.5264 of 2015 (O&M)
DATE OF DECISION : 05th JANUARY, 2023

Mahinder

.... Petitioner

Versus

Harmit

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Barjinder Singh, Advocate for
Mr. Sumit Gupta, Advocate,
for the petitioners.

None for the respondent.

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RAJBIR SEHRAWAT, J. (Oral)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside the judgment/decreed dated 18.05.2015 passed by the Civil Judge (Junior Division), Jhajjar, whereby the suit of the plaintiff under Section 6 of the Specific Relief Act seeking restoration of possession of the suit property has been dismissed.

The petitioner had filed a suit under Section 6 of the Specific Relief Act (for short, the Act) for restoration of the possession, alleging therein that he was forcibly dispossessed by the respondent within a period of six months prior to the date of filing of the suit. However, the trial Court has recorded a finding that the petitioner has not been able to prove his forcible dispossession, therefore, his suit under Section 6 of the Act cannot be allowed. Accordingly, the suit has been dismissed.

Learned counsel for the petitioner has submitted that the petitioner had placed on record the rent receipt for having been paid the rent on 21.11.2011. Not only that, at the time of forcible dispossession, the matter had been reported to the police; as well. Therefore, it is obvious that the petitioner was dispossessed from the suit property forcibly. Hence, the finding recorded by the trial Court is wrong.

Having heard the counsel for the petitioner and having perused the case file, this Court does not find any substance in the arguments raised by the counsel for the petitioner. Undisputedly, the petitioner has not examined any witness other than himself. In his evidence also, he has placed on record only the receipt dated 21.11.2011 for having paid the rent qua the property in dispute. However, there is no receipt of paying any other rent thereafter. Nor any evidence has been led on file to prove the factum of forcible dispossession or factum of reporting the matter to the police so as to bring home the aspect of forcible dispossession. Therefore, there is nothing on record of the case, except the self serving statement of the petitioner; to show that he was forcibly dispossessed. In view of this position, this Court does not find any illegality or perversity with the finding recorded by the trial Court; that the petitioner has failed to prove that his dispossession was forcible.

In view of the above, finding no merit in the present petition, the same is dismissed.

05th JANUARY, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No