

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

RSA-2264-2019(O&M)
Date of Decision: 21.11.2023

Kawaljit Singh and another

....Appellants

Versus

Amarjit Kaur and another

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Gupta, Advocate
for the appellants.

SANJAY VASHISTH, J.(Oral)

1. Present regular second appeal has been filed by the plaintiffs against the concurrent findings of dismissal of civil suit.

Plaintiffs are grandsons of one Makhan Singh, though defendants are daughters of Makhan Singh.

2. Plaintiffs filed a civil suit for seeking a decree of permanent injunction to the effect that defendants be restrained forever from interfering and dispossessing the plaintiffs from their established, exclusive, lawful & peaceful possession as owner in respect of land measuring 50 Kanals 14 Marlas, bearing Khewat No.83/84, Khautoni No.259 to 261 comprising of Khasra numbers 1134/1 (0-14), 1132 (7-4), 1133 (6-12), 1134 (1-12), 1135/2 (2-12), 1136 (7-12), 1137/2 (1-5), 1217/2 (6-4), 1227/2 (1-0), 1337 (8-9),

1131 (8-0), 1422/1 (0-8), as mentioned in the Jamabandi for the year 2012-13, situated in the revenue estate of Village Naurangbad, Tehsil District Tarn Taran.

3. Plaintiffs have pleaded in their plaint that after the death of Makhan Singh complete property was succeeded by his widow Chint Kaur @ Chinto and she had executed a Will dated 09.07.1990 in favour of the plaintiffs, therefore, plaintiffs claimed themselves to be in exclusive ownership alongwith its possession of the suit land. Both the Courts have found that as per revenue record each of the party to the suit is recorded as co-sharer qua his/her part and there is no evidence that any of the plaintiff and defendant is in exclusive possession of land in question. The learned trial Court has also noticed that on the one hand plaintiffs have placed reliance upon Will dated 09.07.1990, but on the other hand have not sought any declaration qua the said Will, even the execution of the said Will has not proved by the plaintiff.

Thus, primarily by holding that plaintiffs and defendants are recorded as co-sharer of the land and plea of granting of injunction is not acceptable, the civil suit has been dismissed by both the Courts below.

4. Therefore, taking note of the totality of the circumstances, I do not find any reason to deviate from the view point taken by both the Courts below. No question of law much less substantial question of law arises in the instant appeal for the consideration of this Court. Consequently, the impugned judgments

and decree passed by both the Courts below are hereby maintained
and the present appeal stands dismissed.

November 21, 2023
rashmi

[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no