

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

RSA No.444 of 1992 (O&M)

Date of Order:11.09.2023

Inder Singh**.Appellant****Versus****Khem Singh and another****..Respondents**

RSA No.488 of 1992(O&M)

Jagir Singh**.Appellant****Versus****Sher Singh****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Sachin Kalia, Advocate, for
Mr. R.S.Bajaj, Advocate
for the appellant.**

None for the respondents.

ANIL KSHETARPAL, J

1. Two connected regular second appeals filed by the separate defendants challenging the correctness of the concurrent findings of fact arrived at by the courts below, in two identical suits for grant of decree of permanent injunction have come up for final disposal. The learned counsel for the appellant in both the appeals submits that both the appeals can be disposed of by a common order.

2. The plaintiff's suit for grant of decree of permanent injunction on the ground that he is in the possession of the property as a tenant under the provincial government, has been decreed by both the courts below.

3. The learned counsel representing the appellant (defendant in the suit), in both the appeals, submits that the order passed by the revenue

official while ordering correction of khasra girdwari proves that it is the appellants, who are in possession of the property. This order was passed on 12.01.1990 i.e. during the pendency of the first appeal before the civil court. The order passed by a revenue official while deciding an application for the correction of khasra girdwari is only a piece of evidence and essentially not binding on the civil court. The appellants were required to prove their possession by leading cogent evidence. Except the aforesaid order of the revenue officials, they failed to produce any material evidence to prove their possession.

4. On the other hand the respondents (plaintiffs) prove their possession by leading cogent evidence.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

6. Dismissed.

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

September 11, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO