

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

RSA-2007-1989 (O&M)

Date of Decision: 17.01.2023

Jagir Singh

.....Appellant

Versus

Geja Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Inderjit Sharma, Advocate
for the appellant.

Mr. C.L. Sharma, Advocate
for respondent No.1.

ARUN MONGA, J. (ORAL)

Defendant is in appeal against the judgment and decree dated 04.08.1989 passed by Ld. Appellate Court partly allowing the plaintiff's First Appeal against the Trial Court judgment and decree dated 05.06.1987 restraining him from dispossessing the plaintiff from specified land except through due process of law.

2. In course of arguments, it transpires that currently the possession is of the appellant by virtue of acquiring title in the land. The title of the land is not disputed by the plaintiff/respondent No.1 herein. The only dispute was *qua* the possession which both sides were claiming in the suit for permanent injunction. While the Ld. Trial Court accepted the contention of the defendants by giving findings in their favour, however, the plaintiff/respondent No.1 herein partly succeeded in appeal and the judgment and decree of the Ld. Trial Court was modified.

3. Initially this Court was inclined to appoint a Local Commissioner to check the status of physical possession, but since as per the latest position on the ground, currently the possession is with the defendant/appellant herein, there is no requirement for the same either.

4. Though the learned counsel for the plaintiff/respondent No.1 herein submits that possession was forcibly taken by the appellant during COVID pandemic period but the same is not the subject matter of the proceedings in this appeal. Needless to say, the plaintiff/respondent No.1 was/is at liberty to take appropriate remedial steps, if so advised, since as per him the possession was actually taken forcibly.

5. As far as the present appeal is concerned, the same is allowed and the judgment and decree passed by the Ld. Appellate Court is set aside and that of the Ld. Trial Court is affirmed.

6. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 17, 2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No