

2023:PHHC:125935

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

RSA-2379-2006 (O&M)
Date of decision: 22.09.2023

Maha Mandleshwar Maha Rishi Shiv Yogi
....Appellant

Versus

Bhim Sain and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Jatinderpal Singh, Advocate for the appellant

Mr.Amit Dhawan, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this Regular Second Appeal. He filed a suit for permanent injunction claiming that he is in possession of the property, which consists of some agricultural land, temple, pond etc. The defendants, while filing the written statement, disclosed that the plaintiff, as a power of attorney executed four sale deeds of the suit property, in which the possession was delivered. It was also found that the plaintiff concealed the factum of proceedings under Section 145 Cr.P.C. In the evidence, it came on the record that the suit property is a piece of agricultural land and there is no temple, pond or any other structure on it. Thus, both the courts dismissed the suit.

Learned counsel representing the appellant contends that the plaintiff has only filed a suit for injunction, in which title is not required to be decided. He submits that as per the entries in the jamabandi, in the possession column, entry is in favour of the plaintiff for the last 60

years. The entries in the jamabandi carry a rebuttable presumption. At this stage, the appellant does not dispute that he executed four sale deeds in which the delivery of possession has been recorded. Moreover, the revenue official has appeared in evidence and reported to the Court that there is no construction on the site and in fact, this is an agricultural land.

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

Hence, dismissed.

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

22.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE