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

**RSA-2240-2018 (O&M)
Reserved on : 09.01.2023
Date of decision : 13.01.2023**

Surinder Singh

.....Appellant

Versus

Ajay Kumar and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Paul Batra, Advocate for the appellant.

ALKA SARIN, J.

The present regular second appeal has been preferred by the plaintiff-appellant against the concurrent findings of fact returned by both the Courts below dismissing his suit for permanent injunction.

The brief facts relevant to the present *lis* are that the plaintiff-appellant filed a suit for permanent injunction for restraining the defendant-respondents, their agents, assignees, servants etc. from interfering into peaceful possession of the plaintiff-appellant or dispossessing him illegally, forcibly from the plot marked by words 'ABCD' shown in red colour in the site plan attached with the plaint, situated at Gali Chadyan, Mugrali Gate, Dina Nagar, Tehsil and District Gurdaspur, except in due course of law. The Trial Court vide judgment and decree dated 06.05.2016 dismissed the suit holding that the plaintiff-appellant had failed to lead any evidence qua his

possession and hence was not entitled to grant of injunction. Aggrieved by the said judgment and decree, an appeal was preferred by the plaintiff-appellant which appeal was also dismissed vide judgment and decree dated 10.10.2017. Aggrieved by the said judgments and decrees passed by both the Courts below, the present regular second appeal has been preferred.

Learned counsel for the plaintiff-appellant has contended that there are photographs and site plans which showed his possession on the vacant plot. It is further the contention of learned counsel for the plaintiff-appellant that he has a water connection on the plot in question and has regularly been paying the water bills and as such his possession stood established.

Heard.

In the present case, PW1 Subedar Jagir Singh, Draftsman, in his cross-examination categorically stated that the site plan Ex.P1 was got prepared by him without visiting the site in question. Rather, it was prepared in the Court Complex at the instance of the plaintiff-appellant. He also admitted that even the suit property was not measured. Further, PW3 Bodh Raj, Clerk of Municipal Committee Dina Nagar, stated in his examination-in-chief that the water connection given by the Committee is in Chadyan Wali Street and not in the suit property. That being so, it cannot be held that the possession on the vacant plot was that of the plaintiff-appellant. Learned counsel for the plaintiff-appellant has not been able to show any evidence on the record which would prove his possession on the suit property. No other point has been argued.

In view of the above, I do not find any illegality and infirmity in the concurrent findings of fact returned by both the Courts below. No

question of law, much less any substantial question of law, arises for determination in the present case. The present appeal, which is wholly devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

Dismissed.

13.01.2023

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO