

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

RSA-2732-2018 (O&M)

Decided on:-14.11.2023

Prem Singh

....Appellant..

vs.

Ami Lal and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.P. Sharma, Advocate for the appellant.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to the judgments and decrees dated 10.03.2014 and 08.11.2017 passed by the Courts below, whereby a suit for permanent injunction, filed at the instance of respondent-plaintiff stands decreed.

2. Briefly stating, the respondent-plaintiff filed a suit for permanent injunction claiming himself to be owner in possession of the suit property-plot (marked as ABCD in the site plan annexed with the plaint) by virtue of sale certificate dated 20.03.1961 (EX.P1) issued by the Tehsildar (Sales). It was further pleaded that the appellant-defendants without any right or interest over the property in question were trying to interfere with the peaceful possession of respondent-plaintiff, thus, compelling him to file the suit.

3. Upon notice, the appellant-defendants appeared and filed their written statement while submitting that they were owners in possession of

the suit property by virtue of sale certificate dated 09.05.1959 issued in favour of their predecessor-in-interest and thus, the suit filed at the instance of respondent No.1-plaintiff was liable to be dismissed. In addition, a counter claim was also set-up by appellant as well as proforma respondents seeking decree for permanent injunction against respondent No.1-plaintiff.

4. The Trial Court vide judgment and decree dated 10.03.2014 decreed the suit in favour of respondent No.1-plaintiff while granting a decree for permanent injunction in his favour though declined the counter claim set up by the appellant and the proforma respondents. Aggrieved thereof, two separate appeals were filed at the instance of appellant-defendant No.1, however, both were dismissed by the first Appellate Court vide judgment and decree dated 08.11.2017.

5. I have heard learned counsel for the appellant and gone through the paper book. I am unable to find merits in the present appeal.

6. A concurrent findings of fact has been recorded by the Courts below to the effect that respondent No.1-plaintiff was allotted the land in question vide sale certificate dated 20.03.1961 (Ex.P1), which was duly proved on record by PW-3 Mahesh Kumar, the Clerk from the office of Tehsildar, Mahendergarh, besides respondent No.1-plaintiff having himself appeared in support of the claim set-up in the plaint. It has been proved on record that the land in question was sold in favour of respondent No.1-plaintiff by the Tehsildar (Sales) and possession thereof handed over in his favour followed by raising of construction thereupon by him. On the other hand, the appellant as well as the proforma respondents failed to produce any sale certificate dated 09.05.1959 in their favour as set-up by them in

their written statement besides even proving his possession over the suit property-plot.

7. In view of the discussion made herein-above, finding no illegality or perversity in the concurrent findings of fact recorded by the Courts below, there being no overlooking of the material available on record, re-appreciation of pleadings and the evidence being impermissible, the present appeal being devoid of merits is thus, dismissed.

8. All pending applications stands disposed of.

14.11.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No