

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

**RSA No.744 of 2019 (O&M)
Date of Decision: 21.02.2024**

Sarwan Singh & others

...Appellants

Versus

Jaffar Ali (since deceased) through LR's & another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Argued by:- Mr. Abhinav Sood, Advocate, appearing for
Mr. Vikram Singh, Advocate,
for the appellants.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment and decree as passed by learned Civil Judge (Junior Division), Kurukshetra (for short 'the trial Court') on 27.07.2016, whereby the Civil Suit filed by the respondents-plaintiffs (here-in-after to be referred as 'the plaintiffs') for seeking a decree for permanent injunction to restrain the appellants-defendants (here-in-after to be referred as 'the defendants') from dispossessing them (plaintiffs) from the suit property and also from interfering in their peaceful possession over the same, has been decreed as well as by the judgment and decree handed down by learned Additional District Judge, Kurukshetra (for short 'the Lower Appellate Court') on 10.09.2018, dismissing the appeal moved by the defendants against the afore-mentioned judgment and decree dated 27.07.2016, they (defendants) have chosen to prefer the instant Regular Second Appeal to lay challenge to the same.

2. Shorn and short of unnecessary details, the facts, as emerging from the perusal of the file and resulting in the filing of the present appeal, are that the plaintiffs filed the above-referred Civil Suit, while averring that the suit property had been allotted to them by the Gram Panchayat and thus, they had become its owners and were in possession over it and the defendants had no concern with the said property but they were hell-bent to dispossess them (plaintiffs) from the same, forcibly and illegally. However, the defendants asserted that defendant No.1 was the owner in possession of the suit property and had raised some construction and also the boundary wall over it and they (defendants) had been using this property for tethering the cattle as well as other domestic purposes. The parties were put to the trial by framing the issues. After appreciating and evaluating the evidence, as led by the parties on the record and hearing their counsel, the trial Court decreed the Civil Suit and the appeal, as filed by the defendants against the judgment and decree passed by the trial Court, has also been dismissed, as already discussed in the opening para of this judgment.

3. I have heard learned counsel appearing for the appellants-defendants in the instant appeal, at the preliminary stage and have also gone through the file carefully.

4. Learned counsel appearing for the defendants has contended that the defendants had been continuing in their possession over the suit property, as its owners, since the time of their fore-fathers and the plaintiffs had no right, title or interest in this property and therefore, they were not entitled to the relief of injunction and in these circumstances, it becomes

explicit that the impugned judgments and decrees, as passed by both the Courts below, are not legally sustainable and these deserve to be set-aside.

5. However, the afore-raised contentions are devoid of any merit because both the Courts below have concurrently held that the plaintiffs have become the owners of the suit property by virtue of the registered gift-deeds Exhibits P-1 & P-2 and they are in possession over the same and the relevant revenue record also reflected their ownership and possession over the said property and that the defendants had not led any evidence on the file to rebut the entries of the above-said revenue record. The defendants have not been able to show that the afore-discussed findings are factually or legally wrong/incorrect or are perverse.

6. As a sequel to the fore-going discussion, it follows that the impugned judgments and decrees, passed by both the Courts below, do not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the same are upheld and the Regular Second Appeal in hand, being *sans* any merit, stands dismissed.

21.02.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No