

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

RSA No.2689 of 1993 (O&M)

Date of Order:13.02.2024

Balram Singh (since deceased)**.Appellant****Versus****Darshan Singh and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Ms. Raina Sabharwal Thakur, Advocate
for the appellant.****ANIL KSHETARPAL, J**

1. In this regular second appeal, the defendant assails the correctness of the concurrent findings of fact arrived at by the courts below, while decreeing the plaintiffs' suit for grant of decree of permanent injunction restraining him from interfering in their possession i.e. a taur bearing No.13.

2. It is the case of the plaintiffs that the plaintiff no.2 migrated from Pakistan to India in the year 1947 and in lieu of his property left by him in Pakistan, the suit property was allotted to him. The slip of allotment was issued and he deposited Rs.140/-. In the year 1987, the plaintiff no.2 transferred the property in favour of plaintiff no.1 vide registered sale deed dated 11.03.1987.

3. On the other hand, the defendant while contesting the suit claimed that the allotment in favour of plaintiff no.2 was cancelled by the Tehsildar Sales-cum-Managing Officer vide order dated 21.07.1987 and as such they have no concern with the same.

4. Both the courts on appreciation of the evidence have

concurrently come to a conclusion that the plaintiffs are in possession of the suit property and the defendant (appellant herein) failed to prove that he is in possession of the same.

5. The learned counsel representing the appellant submits that the allotment of plot in favour of plaintiff no.2-Hari Sharan son of Sh. Rulia Ram was cancelled and thereafter the plot was allotted to the appellant. Hence, the injunction could not be granted against true owners.

6. This court has considered the submissions of the learned counsel representing the appellant.

7. Admittedly, the plaintiffs are in settled possession of the property. They can only be dispossessed in due course of law. There is no evidence to prove that the appellant was ever delivered possession of the property.

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

9. Dismissed.

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

February 13, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO