

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

103

2024:PHHC:027697

**RSA-1928-1989**  
**Date of decision: 28.02.2024**

**GULSHAN RAI & ORS.** **..Appellants**

**Versus**

**PUNJAB WAKF BOARD & ANR.** **..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Rajbir Singh, Advocate  
for the appellants.

Mr. Jasmeet Singh Bhatia, Advocate  
for respondents.

**ANIL KSHETARPAL, J(Oral)**

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the Courts below while partly decreeing his suit. His challenge is only to the extent of partial dismissal of his suit with respect to 51 square yard area. In substance, the plaintiffs claim to be in possession of 320 square yard plot/constructed area by virtue of lease deed executed in their favour by the Punjab Wakf Board (hereinafter referred to as the 'Board'). They filed the suit as the Board sought to cancel the lease deed. While contesting the suit, the Board took a stand that the lease deed of 320 square yard area was wrong and in fact 51 square yard constructed area in the share of shops is already in possession of Sh. Harbans Singh, Sh. Om Prakash, Sh. Satish Kumar and Sh. Atma Singh.
2. On appreciation of evidence, both the Courts came to conclusion that the plaintiffs are only in possession of 269 square yard plot/constructed area and they are not in possession of remaining 51 square yard.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
4. The learned counsel representing the appellants contends that the Board can take possession from the appellants only in due course of law and once there was lease in favour of the appellants to the extent of 320 square yard, the Court have decreed the suit in entirety.
5. This Court has considered the submissions of the learned counsel representing the parties.
6. While decreeing a suit for permanent injunction, the Court is required to examine as to whether the plaintiffs are in possession of the entire area or not. In this case, on appreciation of evidence, the Courts have come to conclusion that the appellants are not in possession of 51 square yard, which is in the shape of constructed shops in possession of Sh. Harbans Singh etc. While filing the appeal, the appellants have not sought any other relief.
7. Hence, no ground to interfere is made out.
8. Dismissed accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

February 28<sup>th</sup>, 2024  
Ay

(ANIL KSHETARPAL)  
JUDGE

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