

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

2024:PHHC:064643

RSA-100-1994 (O&M)
Date of decision: 09.05.2024

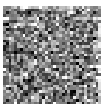
DEVI RAM ..Appellant
Versus
RAVI SHANKAR AND OTHERS ..Respondent
CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Sr. Advocate
with Mr. Varun Parkash, Advocate
for the appellant.

Mr. Rajiv Sharma, Advocate for respondents.

ANIL KSHETARPAL, J(Oral)

1. This regular second appeal has been filed by defendant No.1 against the concurrent findings of fact arrived at by the Courts below while decreeing plaintiff's suit for the grant of decree of permanent injunction restraining the defendants from interfering in his possession with respect to a house. While filing the suit, the plaintiff claims that he along with defendant No.7 is residing in the house continuously. Previously, their parents were living in the house for the last 35 years. They have also got a site plan sanctioned from the Municipal Committee in the year 1978. Defendant No.1 to 3 while contesting the suit claims that they are owner in possession from the time of their ancestors. The plaintiff examined as many as five witnesses including municipal official who produced and proved site plan Ex.PW4/1.
2. On the other hand, defendants examined four witnesses and produced site plan Ex.DW1/1.
3. Upon appreciation of evidence, both the Courts below have found that the evidence led by the plaintiff is more reliable particularly when defendant



No.1 appeared in evidence as DW-4 and admitted that the plaintiff and before him, his predecessors were residing in the area. He also admits that the plaintiff applied for sanction of the site plan in the year 1978, which was sanctioned.

4. The learned counsel representing the appellant contends that the site plan is not a building plan and PW-2 has admitted the possession of defendants.

5. Per contra, the learned counsel representing the respondents while reading the statement of DW-4 Sh. Devi Ram has submitted that the possession of the plaintiff is admitted.

6. In this case, no documentary evidence has been led by the appellant to prove his title or entitlement to the property. Basically, apart from the site plan approved by the Municipal Committee, there is no document produced by the parties from any authentic source. The decision of the case depends upon oral evidence. An isolated sentence in the statement of PW-2 cannot be read in a manner that is divorced from the substantive statement. Moreover, the admission of defendant No.1 that the plaintiff is in possession is considered sufficient to uphold the judgments.

7. Hence, no ground to interfere is made out.

8. Dismissed accordingly.

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

May 09th, 2024

Ay

(ANIL KSHETARPAL)
JUDGE

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