

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA No.556 of 2017
Date of Decision: 08.02.2024

Umrao
...Appellant

Versus

Joria and others
...Respondents

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

Present:- Mr. Sanyam Malhotra, Advocate
for the appellant.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment and decree as passed by learned Civil Judge (Junior Division), Narnaul (for short ‘the trial Court’) on 28.05.2015, whereby the Civil Suit filed by the appellant-plaintiff (here-in-after to be referred as ‘the plaintiff’) for seeking a decree for permanent injunction for restraining the respondents-defendants (here-in-after to be referred as ‘the defendants’) from interfering in his possession over the suit property and from raising any construction thereon, has been dismissed as well as by the judgment and decree dated 22.04.2016, handed down by learned Additional District Judge, Narnaul (for short ‘the Lower Appellate Court’), dismissing the appeal moved by him (plaintiff) to assail the afore-referred judgment and decree passed by the trial Court, he has chosen to prefer the instant appeal to lay challenge to the same.

2. Shorn and short of unnecessary details, the facts, as emanating from the perusal of the file and culminating in the filing of the present appeal, are that the plaintiff filed the above-said Civil Suit, while averring that he had been continuing in the possession over the suit property, as its owner, for the last more than 50 years and had been storing the fire-wood and cow-dung cakes etc therein and the defendants had no concern with any portion of the said property but they wanted to forcibly and illegally dispossess him from the same and raise construction in it. The defendants filed their written-statement and contested the claim of the plaintiff therein on various grounds. Then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence as led by them on the record and hearing their learned counsel, the trial Court dismissed the afore-referred Civil Suit and the appeal filed by the plaintiff, has also ended in its dismissal, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-plaintiff in the instant appeal, at the preliminary stage and have perused the file carefully.

4. Learned counsel for the plaintiff contends that the plaintiff had adduced cogent and sufficient evidence on the record to substantiate the factum of his having been in continuous possession over the suit property, as its owner, for the last more than fifty (50) years but vide the impugned judgments and decrees, the trial Court and the Lower Appellate Court have wrongly rejected his prayer for grant of the relief of permanent injunction, as made by him in the above-said Civil Suit and therefore, these judgments and decrees are not legally sustainable and deserve to be set-aside.

5. However, the afore-raised contention is devoid of any merit because both the Court below have concurrently held that the plaintiff had not led any trust-worthy evidence on the record to prove his ownership qua the suit property and in fact, the Gram Panchayat is the owner thereof and that he (plaintiff) had also failed to establish the factum of his possession over the said property and rather, while appearing as PW3, he himself had admitted that he had been residing in Narnaul and running a Dairy there for the last 30 years. The plaintiff has not been able to advance any convincing reason/ground to show as to how the afore-discussed findings, as returned by both the Courts below, are erroneous or perverse in any manner.

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.

08.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*