



RSA-3130-1998(O&M)

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RSA-3130-1998(O&M)
Date of decision: 03.02.2025**

Amar Singh

..Appellant

Versus

Jeet Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**Present:** Mr. Rajesh Tushar, Advocate
for Mr. Roshal Lal Sharma, Advocate for the appellant**ANIL KSHETARPAL, J. (Oral)**

1. The defendant assails the correctness of the concurrent findings of fact arrived at by the courts below, while decreeing the plaintiff's injunction suit. The plaintiff claimed that the suit property is an open place which has been reserved for common purposes like marriages, social functions and other gatherings. The defendant, while defending the case, claimed that they are owners of the property by virtue of sale deed dated 29.05.1973 executed by Pritam Singh son of Sh.Surinder Singh in their favour. Both the courts, upon appreciation of evidence, came to a conclusion that the suit property is not part of the property which was purchased by the defendants. It was also found that the property was kept for common purposes.

2. Learned counsel representing the appellant submits that the question of ownership can be decided under the provisions of the Punjab Village Common Land (Regulation) Act, 1961 (hereinafter referred to as



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‘1961 Act’). He submits that the civil court has no jurisdiction to decide the same.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. The relief of injunction has been granted in favour of the plaintiff. The defendant, if so advised, may avail the remedy before the appropriate authority under the 1961 Act, if permissible.

5. With these observations, the appeal stands dismissed.

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

(ANIL KSHETARPAL)
JUDGE

03.02.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No