



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

RSA No.521 of 2021 (O&M)

Date of Order:23.01.2025

Balbir Singh**.Appellant****Versus****Bimla Devi and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Arvind Kumar Yadav, Advocate
for the appellant.**

ANIL KSHETARPAL, JUDGE (Oral)

1. In this Regular Second Appeal, the plaintiff (appellant herein) assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of permanent injunction.

2. While filing the suit, the plaintiff claims that Sh. Baijnath etc. were owners of the suit land, who left the village more than 100 years ago. Thereafter, Sh. Satya Narain and Sh. Ram Avtar sons of Shri Kishan, who were in cultivating possession of the suit land, executed the agreement to sell in his favour on payment of Rs.1,00,000/-. Thereafter, Sh. Amar Nath claiming to be the original owner executed sale deed in favour of defendant no.1 on 26.07.2008. The plaintiff claims that he is in settled possession and the sale deed executed by Sh. Amar Nath does not create any right in favour of the defendant.

3. Upon re-appreciation of the evidence, both the courts found that the plaintiff has miserably failed to prove his case and it is established that Sh. Amar Nath is heir of Sh. Baijnath. PW2-Balbir Singh has himself



admitted the execution of the sale deed no.2642, dated 26.07.2008, executed in favour of defendant no.1. The plaintiff also failed to prove his possession. The appeal filed by the plaintiff was also dismissed upon re-appreciation of the evidence.

4. The learned counsel representing the appellant submits that the court was required to grant injunction against forcible dispossession.

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

6. Both the courts have found that the plaintiff has failed to prove his possession. Hence, there is no error in the findings of fact arrived at by the Courts below.

7. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 23, 2025

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