



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

RSA No.2826 of 2022 (O&M)

Date of Order:14.01.2025

Hardial Singh**.Appellant****Versus****Charanjit Singh and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Sukhmeet Singh, Advocate
for the appellant.****ANIL KSHETARPAL, JUDGE (Oral)**

1. In this regular second appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of permanent injunction, restraining the defendants from interfering in his peaceful possession.

2. He filed a suit claiming Sh. Lal Singh, Sh. Pal Singh and Sh. Gopal Singh were owners of the some part of the property and the plaintiff inherited the share of his father Sh. Lal Singh and also purchased share of Sh. Pal Singh and Sh. Gopal Singh vide agreement dated 14.09.1989. He claimed that the property is being used for keeping roori and cow dung cakes.

3. The defendants while contesting the suit claimed that the suit property is part of 6 kanals plot located in abadi area of the village. When defendant no.1 laid foundation for raising further construction, the plaintiff interfered. Subsequently, the plaintiff executed an agreement on 01.09.2015, which was signed by the plaintiff and defendant no.1-Buta Singh and Sh. Sukhchain Singh.



4. Both the courts came to the conclusion that the plaintiff has failed to make out his case as he failed to prove his possession. It was further found that the agreement dated 14.09.1989, does not confer any right with regard to the suit property upon the plaintiff.

5. The learned counsel representing the appellant contends that the agreement dated 14.09.1989, proves plaintiff's possession.

6. This court has considered the submissions of the learned counsel representing the parties, however, find no substance therein.

7. The plaintiff came to the court seeking an injunction. He was required to prove that he is in settled possession of the property, however, he failed to do so.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 14, 2025

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