



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

RSA-1723-2022 (O&M)

Date of decision : 13.05.2025

Khajan Saini

...Appellant

Vs.

Rumali and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Johan Kumar, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of 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 possession.
2. In substance, the plaintiff claims to have purchased 120 sq. yard land vide registered sale deed dated 22.06.2009 from Smt. Ram Kali, who in turn purchased the property from Sh. Shyam Sunder.
3. Both the Courts have found that Sh. Het Ram, Smt. Mohar Kaur and Smt. Ram Kali were joint owners in possession of 75 marlas land. They carved out plots and sold/leased 65 marlas land, whereas, the remaining was used for egress and ingress. Both the Courts have found that the plaintiff is not in possession of any part of the property.
4. Heard the learned counsel representing the appellant at length and with his able assistance perused the paper-book.



5. Learned counsel representing the appellant submits that Smt. Ram Kali has previously sold 29 marlas, whereas, her share comes to 25 marlas. Moreover, this is only a suit for grant of decree of permanent injunction. Hence, the plaintiff was required to prove her possession, however, she has failed to do so.
6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Hence, the appeal is dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

13.05.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

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