



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

RSA No.1248 of 2018 (O&M)

Date of Order:08.01.2025

Joginder Kaur and another**.Appellants****Versus****Ajmer Singh****..Respondent****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Raj Kumar Rana, Advocate
for the appellant.**

ANIL KSHETARPAL, JUDGE (Oral)

1. In this Regular Second Appeal, the defendants assail the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiff's suit for grant of decree of permanent injunction against forcible dispossession.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

3. The plaintiff filed a suit for grant of decree of permanent injunction on the ground that he is in settled possession for the period of last 30 years as a tenant and he is sought to be dispossessed forcibly.

4. The defendants contested the suit by claiming that the plaintiff is neither owner nor tenant or in possession of the property.

5. Upon appreciation of the evidence, both the courts came to a conclusion that the plaintiff is in settled possession of the property.

6. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book along with the requisitioned record.



7. The learned counsel representing the appellants contends that the plaintiff has produced copies of jamabandies from 1987 to till 2008 to prove his possession. He submits that there is no evidence to prove that the plaintiff was paying rent to the defendants.

8. This court has considered the submissions of the learned counsel representing the appellants.

9. It is evident that the plaintiff is continuously recorded to be in possession as a tenant for the last 20 years before the filing of the suit. Moreover, the defendants are residents of district Kurukshetra, whereas the land is situated in village Talheri Rangran, Tehsil Barara, District Ambala. No evidence has been produced to prove that the defendants are in cultivating possession of the property. Moreover, the entries in the jamabandi carry presumption of correctness which has not been rebutted by the defendants. Additionally, the payment of the amount of rent was not the issue or subject matter of decision in the present case.

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

11. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 08, 2025

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