



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3260 of 2017 (O&M)

Date of Order:28.01.2025

Ram Singh (since deceased) through LRs

.Appellant

Versus

Jai Pal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bharat Bhushan Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

C.M.No.7989-C-2017

1. For the reason mentioned in the application, which is supported by an affidavit, the delay of 313 days in re-filing the appeal is condoned.

2. CM stands disposed of.

MAIN

3. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the defendant(s) in this Regular Second Appeal.

4. The plaintiffs' suit for grant of decree of permanent injunction restraining the defendants from interfering in their possession has been decreed by both the courts below.

5. It has been found that the plaintiffs and the defendants are neighbours. The property of the defendants adjoins the plaintiffs' property on Southern side. Even the witnesses examined by the defendants have admitted this fact.



6. The learned counsel representing the appellant submits that the suit of the plaintiffs has been decreed on the basis of the deposition of the defendants' witnesses without calling upon the plaintiffs to prove their case.

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

8. The plaintiff no.1-Jai Pal has examined himself as PW1 and Sh. Jagat Singh as PW2. He has also produced site plan Ex.P1. Moreover, DW4 in cross-examination has admitted that the site plan Ex.P1, is correct. He has also admitted that one Bitora and three Karam rasta of Sh. Jai Pal lies in the aforesaid property and Sh. Jai Pal is in possession from the time of his forefathers. Moreover, when the plaintiffs appeared in evidence, the defendants did not give suggestion to the plaintiffs that they are not the owner of the suit property. Moreover, the question of ownership has not been decided by the courts below.

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

10. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 28, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No