



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

RSA No.890 of 2018 (O&M)

Date of Order:23.05.2025

Kanwar Pal Singh

.Appellant

Versus

The Saraswati Sugar Syndicate Ltd.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.S.Mamli, Advocate
for the appellant.**

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the concurrent findings of the fact arrived at by the courts below while dismissing his suit for grant of decree of permanent injunction restraining the defendant from interfering in his peaceful possession of a house-the suit property.

2. While filing the suit, the plaintiff claims that he was employed as supervisor by the defendant at its Shahzadepur farm and he was allowed to reside along with family members in the house in question from the date of appointment.

3. The suit was contested by the defendants on the ground that the plaintiff has no concern with the suit property and it is, in fact, part and parcel of residential house of the defendant. In fact, the plaintiff was permitted to reside in the premises due to his employment which stood terminated as the plaintiff caused huge loss to the defendant. He embezzled the amount by tampering actual bills of goods purchased for agricultural farm, thus committed fraud in cheating with his employer. Hence his



contractual services were terminated on 01.07.2008.

4. Both the courts came to a conclusion that the plaintiff has no right, title or interest in the suit property. Hence, he is not entitled to grant injunction.

5. The learned counsel representing the appellant has made the following three submissions:-

- (i) Admittedly, the plaintiff is in possession of the property, hence he can be dispossessed in due course of law.
- (ii) Defendant is not proved to be owner of the suit property
- (iii) The plaintiff was allotted some part of the dispute property, whereas with respect to the remaining part, the defendant cannot claim any right.

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

7. As already noticed, it is the case of the plaintiff that he was allotted the house on account of his employment with defendant which stood terminated in the year 2008. Thereafter, the possession of the plaintiff became unauthorized. Hence, the plaintiff cannot claim decree to the effect that the defendant should be restrained from dispossessing him. Unauthorised occupant is not entitled to injunction.

8. With respect to the second argument, it may be noted that this aspect was neither subject matter of debate before the courts below nor the plaintiff claims any independent right. He is neither the proprietor of the village nor he claims to be originally a resident of the village. He came to the village only when he was permitted to reside in the premises in question.



9. With respect to the last submission, it may be noted that the plaintiff has failed to prove any independent right over the suit property. Even if the plaintiff has made some further construction on the property of the defendant, he cannot restrain the defendant to claim possession.

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

May 23, 2025

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