



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.9920 of 2018(O&M)

Date of Order:04.02.2025

Ashok Kumar and another

.Appellants

Versus

Jaswinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yogsimant Attri, Advocate, for
Mr. Rajinder Goyal, Advocate
for the appellants.

ANIL KSHETARPAL, JUDGE (Oral)

1. 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 restraining the defendants from encroaching upon the plaintiff's property or taking its possession.

2. The defendants contested the suit on the ground that Sh. Jethu Ram, the owner of the property and defendant no.1, inherited the same. He also claimed that the suit property is owned by the Wakf Board and he is the lessee.

3. Both the courts found that the plaintiff proved his possession and therefore passed decree for permanent injunction restraining the defendants from encroaching the plaintiff's property. The aforesaid finding of fact was upheld by the First Appellate Court upon re-appreciation of the evidence.

4. The learned counsel representing the appellants submits that objection to the demarcation report has not been decided and therefore the



courts have erred in decreeing the plaintiff's suit.

5. It has been found that the demarcation of the suit property was conducted through Total Station Machine. Moreover, a Division Bench of this Court in Balbir Dewan Cold Storage and General Mills vs. Naveen Chander, 1989 (1) PLR 677 has held that there is no provision for inviting objections against the report of Local Commissioner. It was open to the defendants to lead their evidence. Defendants further failed to prove that the suit property was owned by Wakf Board.

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

7. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 04, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No