In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1114 of 2014
Date of Decision: 12.2.2014.

Milkh Raj .....Petitioner

Versus

Mohinder Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Manu Loona, Advocate
for the petitioner.

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SABINA, J.

Petitioner has filed this petition challenging the orders dated 5.5.2012 and 28.10.2013 whereby application moved by the plaintiff-respondent No. 1 under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

In the present case, respondent No. 1 has filed suit for permanent injunction restraining the defendants from interfering in his peaceful possession over the land bearing khasra No. 44//8 (8-0), 9/2 (3-15). Respondent No. 1 placed reliance on copy of the jamabandi for the year 2006-2007 to *prima facie* establish that he was in possession of the land in dispute. Admittedly, as per the jamabandi for the year 2006-2007, plaintiff-respondent No. 1 is described to be in possession of the land in question. In these circumstances, the Courts below rightly held that the plaintiff has *prima facie* case and balance of convenience in his favour. So far

as the entries corrected in the khasra girdawari in favour of the petitioner are concerned, the same were done during the pendency of the suit and were not liable to be taken in consideration. Presumption of truth is attached to the entries in jamabandi and as per the jamabandi placed on record, plaintiff is described to be in possession of the suit property. During the course of arguments, it has transpired that there was no jamabandi placed on record to the contrary by the petitioner. Hence the possession of the plaintiff was liable to be protected.

In these circumstances, the Courts below rightly restrained the defendants from interfering in the peaceful possession of the plaintiff.

No ground for interference is made out.

Dismissed.

(SABINA)
JUDGE

February 12, 2014
Gurpreet