



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

122

RSA-287-2022 (O&amp;M)

Date of Decision: 28.01.2025

RAJ KUMAR

.....Appellant

Vs.

REKHA SHARMA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Harmanpreet Kaur, Advocate for the appellant.

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**DEEPAK GUPTA, J. (ORAL)**

Suit for seeking decree of permanent injunction filed by the plaintiff- Raj Kumar (*appellant herein*) has been dismissed by the trial Court on 07.04.2017 and the appeal filed by the said plaintiff was dismissed by the Appellate Court on 16.12.2019. Against the concurrent findings, the plaintiff has approached this Court by way of the present Regular Second Appeal.

2. The sole contention raised by learned counsel for the appellant/plaintiff is that possession of the plaintiff on the property in dispute was admitted by the defendants in their cross-examination, but simply for the reason that plaintiff did not enter the witness box for cross-examination, the suit has been dismissed. Learned counsel contends that plaintiff had appeared in witness box but at the request of counsel for the defendants, his cross-examination was deferred.

3. There is no merit in the aforesaid contention. Even if the cross-examination of the plaintiff was deferred at the request of counsel for the defendants, it was for the plaintiff to appear on the next date of hearing so as to offer himself for the purpose of cross-examination. Once the plaintiff did not



appear in the witness box, the Courts below rightly concluded that plaintiff failed to prove the cause of action in his favour alleging interference in his possession on the part of the defendants.

4. In view of the aforesaid discussion, this Court does not find any merit in this appeal and as such the same is hereby dismissed.

**28.01.2025**

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**( DEEPAK GUPTA )  
JUDGE**

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