

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

**Regular Second Appeal No.3291 of 2011 (O&M)  
Date of Decision: November 26, 2015.**

Buta Singh and others

**.....APPELLANT(s).**

**VERSUS**

Chiman Singh and others

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Kulbhushan Soi, Advocate  
for the appellant (s).

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**SURINDER GUPTA, J.**

**CM No.9117-C of 2011**

Heard. There is delay of 25 days in refiling the appeal.

2. Learned counsel for the appellants submits that the appeal was filed within limitation, but some objections were raised by the Registry and it was returned. Thereafter, he misplaced the brief, which could be located on 25<sup>th</sup> July, 2011, due to which delay of 25 days has occurred in refiling this appeal, which was not intentional.

3. The submissions made in the application are duly supported by affidavit, as such, the application is allowed and delay in refiling the appeal is condoned.

**RSA- 3291-2011**

4. Plaintiffs-appellants Buta Singh, Dalip Singh and Bagicha Singh

filed suit for permanent injunction to restrain defendants from interfering into peaceful cultivating possession of the plaintiffs over the suit land measuring 27 kanals 16 marlas situated in Village Khan Chand Wala, Tehsil and District Ferozepur.

5. The plaintiffs claimed possession over the suit land on the basis of affidavit dated 17.12.1990 executed by Mehro widow of Pal Masih, however, that affidavit could not be proved on record, rather it was proved that the suit land was owned and possessed by Bhoomidan Yojna Board, 27-D, Chhoti Baradri Patiala. The plaintiffs have not impleaded the above owner of the suit land as party to the suit and failed to substantiate their plea of possession over the suit land for the last 37 years by leading any cogent and convincing evidence.

6. The findings of the Courts below are based on the evidence produced by the plaintiffs. Nothing has been pointed out that the Courts below have misread the evidence or the observations of the Courts below are not based on proper appreciation of the evidence on record.

7. On perusal of the paper book and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

8. No substantial question of law requiring determination arises in this appeal, which has not merit.

9. Dismissed.

**November 26, 2015.**

*Sachin M.*

**( SURINDER GUPTA )  
JUDGE**