

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3549 of 2011 (O&M)

Date of Decision: 13.07.2015

Suraj Textiles Mills, Malout
and another

..... Appellants

Versus

Balwant Kaur and others

..... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arvind Kashyap, Advocate,
for the appellants.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The question whether there has been any encroachment or not with respect to the suit property is a pure question of fact and when there are concurrent findings against the plaintiff that its land has not been encroached upon by the defendants then such a finding does not constitute or give rise to a substantial question of law. The demarcation report prepared by the Kanungo has been accepted by both the courts below as correct. Those findings are neither perverse nor irrational in accepting the demarcation report and the accompanying oral and documentary evidence produced by the parties. It may be noticed that the appellant is a Textile Mill situated in Village Danewala on GT Road, Malout, which was the defendant in the suit. The dispute is limited to Mustil # 46, Killa # 18 (8-0) and it has been established by evidence as appreciated by the courts below that the textile mill/defendant is neither co-sharer nor has any right, title or interest

in the suit land i.e. the aforesaid killa number.

Learned counsel for the appellants has not disputed this fact while arguing his appeal. If the land of the textile mill has been encroached then it was always open to them to take recourse to law and the remedies available against encroachment. But no such claim has been led by the appellants in a separate suit nor in the present suit was a counter-claim or cross suit filed.

No ground for interference is made out.

The appeal to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

13.07.2015

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