

RSA No.3889 of 2012

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

RSA No.3889 of 2012

Date of Decision: September 15, 2015

Mahabir & others

...Appellants

Versus

Prabhu Dayal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. N.S. Shekhawat, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this appeal is to the judgments and decree passed by the Courts below by which the suit preferred by the appellant-plaintiff, stands dismissed by the Additional Civil Judge (Senior Division), Mohindergarh, on 19.12.2008 and appeal has also been dismissed by the Additional District Judge, Narnaul, on 06.06.2012.

It is the contention of the counsel for the appellant-plaintiffs that the suit which was preferred by the appellant-plaintiffs was required to be decreed as there was no actual partition of the property in dispute. He, thus, contends that the findings recorded by the Courts below cannot sustain.

On perusal of the judgments passed by the Courts below with the assistance of the counsel, this contention of the counsel for

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the appellant-plaintiffs cannot be accepted as there is a categorical finding recorded by the Courts below that the partition of the property had been effected in the year 1948. There being no perversity or illegality in the concurrent findings recorded by the Court below and the same are recorded on proper appreciation of the evidence, do not call for any interference of this Court.

No substantial question of law is involved in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

September 15, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**