

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

**RSA No.1036 of 2013 (O&M)
Date of Decision-18.02.2015**

Partap Singh

Appellant

Versus

Madan Lal

Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.B. Kaushik, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

CM No.2757-C of 2013

For the reasons mentioned in the application, which is duly supported by an affidavit, delay of 68 days in refiling the present appeal is condoned.

Application stands disposed of.

Main case

This Regular Second Appeal at the instance of appellant-plaintiff is against the judgment dated 14.10.2009, whereby the suit for mandatory as well as permanent injunction has been dismissed by the trial Court and appeal filed against therein has also been dismissed.

Mr. C.B. Kaushik, learned counsel appearing on behalf of the appellant submits that both the Courts below have committed illegality and perversity in dismissing the suit. He further submits that the copy of documents were produced/proved showing that plaintiff was owner of the suit property and had permitted his brother-respondent to live in the first floor as a licensee.

I am afraid the aforementioned argument of learned counsel appearing on behalf of appellant is devoid of merit for the reasons that the appellant-plaintiff has failed to prove regarding ownership of the property. The electricity and municipal record would not confer ownership of the suit property. The appellant/plaintiff failed to discharge the onus that was upon him to prove the ownership of the property. In the absence of any documentary proof of ownership being a owner it could not have been shifted upon the respondents/defendants to rebut the same.

Both the Courts below have rendered a finding of fact and law, which is based on the appreciation of oral and documentary evidence.

There is no illegality and perversity in the findings recorded by the Courts below which are based on the facts and the law.

No substantial question of law arises for the adjudication of the present appeal.

Accordingly, the present appeal is dismissed.

18.02.2015
prince

(AMIT RAWAL)
JUDGE