

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

RSA No.3075 of 2013(O&M)

Date of Decision:-14.01.2015

Randhir Singh

.....Appellant.

Versus

Kitab Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the appellant.

Respondent proceeded against ex-parte
vide order dated 20.01.2014.

JASWANT SINGH, J.(ORAL)

Defendant in second appeal assailing the judgment and decree of reversal dated 11.04.2013 passed by the learned Additional District Judge, Jind whereby the suit of the respondent/plaintiff for possession has been decreed while setting aside the judgment and decree of dismissal dated 19.08.2011 passed by the learned Civil Judge(Sr. Divn.), Narwana.

It is apparent from the judgment and decree under appeal that on the basis of revenue record placed on the file the plaintiff has been able to show his ownership. Even the defendant has raised the plea of adverse possession meaning thereby admitting the ownership of the plaintiff. To prove the factum of encroachment of the suit land by the defendant/appellant, the plaintiff has examined PW-3 Ram Kumar,

Kanguho who has duly proved his demarcation report dated 2.6.2009 Ex.P-2, site plan Ex.P-3 and memo of presence Ex.P-4. From the perusal of the Ex.P-2, it is revealed that defendant/appellant was found to have encroached about 5 marlas of land. It has further been noticed that at the time of conduct of the demarcation report, it was defendant himself who had not appeared, therefore, adverse inference had been drawn against him and decree for possession has been granted.

Thus, in view of the findings arrived at based on the evidence on record, no question of law much less substantial question of law arises for determination in the present second appeal.

However, none has chosen to appear today as was the position on the previous date. It appears that the defendant/appellant has lost interest in pursuing the present second appeal.

Dismissed in default.

(JASWANT SINGH)
JUDGE

January 14, 2015
Vinay