

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

RSA No. 3085 of 2015 (O&M)

Date of Decision: November 16, 2015

Market Committee

.... Appellant

vs.

Smt. Sudesh Rani (deceased) through her LR Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.S. Bains, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 29.01.2015 passed by learned Addl. District Judge (Adhoc), Fast Track Court, Amritsar, affirming the judgment and decree dated 10.11.2010 passed by learned Civil Judge (Jr. Divn.), Amritsar, vide which the suit of the plaintiff was decreed and the defendants were directed to hand over the vacant possession of the area of 2 marla 15 sq. yards and 3 feet which forms part of khasra No.150/9, 8 min, situated in the area of Circular Road, outside Chattiwind Gate, Gilwali Gate, Amritsar, within a period of three months from the date of decree.

A perusal of the judgments of both the courts below shows that the plaintiff claimed that he is the owner in possession of the plot bearing No.18, measuring 132 sq. yards forming part of

khasra No.105/09, 8 min, which was purchased by him vide registered sale deed dated 17.01.2005. The defendants have encroached upon some area of the said land.

The defendants on the other hand, claimed that they have constructed their office on the land bearing khasra No.107/5 and have no concern with the land bearing khasra No.105/9. The encroachment was denied.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

A perusal of the lower court judgment shows that the lower court has relied upon the stand taken by the defendants, wherein they admitted the title of the plaintiff by taking plea of adverse possession. The lower court has also relied upon the report of the Local Commissioner to hold that the encroachment was there. During the pendency of the suit, the suit was amended to seek recovery of possession of the encroached land. It was a boundary dispute. The demarcation was done and the encroachment on the part of the Market Committee was found. Therefore, the decree has been passed. The findings of the facts have been recorded by both the courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

November 16, 2015
sarita

(KULDIP SINGH)
JUDGE