

In the High Court of Punjab and Haryana at Chandigarh

RSA No.5693 of 2015(O&M)

Date of Order: November 04, 2015

Mange Ram

..... Appellant

Versus

Satpal

.... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present:- Mr. Sumit Sangwan, Advocate,
counsel for the appellant.

Surinder Gupta, J

Heard.

2. The respondent-plaintiff filed suit seeking possession of land measuring 920 sq. yards, as detailed in the headnote of the plaint, alleging that the appellant-defendant had encroached upon the same.

3. The defendant denied the encroachment, rather, alleged that it was the plaintiff, who had encroached upon his land.

4. Before the court, there were two demarcation reports, one was of local commissioner appointed by the court. To justify the demarcation, argument was raised before the court below that defendants had encroached upon the land of plaintiff in order to complete area of land owned by him.

5. Both the courts below have observed that the report of local commissioner proved the encroachment by the appellant-defendant. The demarcation was also conducted in the presence of the parties.

6. Learned counsel for the appellant during his lengthy arguments could not dent the report and the observations made by the courts below. He

has argued that the courts below have not considered the demarcation report

(Ex.D1) produced by the appellant-defendant.

7. The first Appellate Court, regarding the demarcation report (Ex.D1), has observed that at the time of that demarcation, the area of disputed *dole* in Khasra Nos.4, 5 and 31 was not included and same was not prepared as per spot. It observed that as per report, there is straight line dividing Khasra Nos.31, 4 and 5, whereas, in the report of local commissioner, relied upon by the appellant-defendant, the area of Khasra No.4 and 5 has been increased. Both the courts below, on perusal of the evidence and record, have given well considered finding in favour of respondent-plaintiff.

8. On perusal of the lower Court record and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

9. No question of law what to talk of substantial question of law requiring determination arises in this appeal, which has no merits.

10. Dismissed.

November 04, 2015
Sachin M./jv

(SURINDER GUPTA)
JUDGE