

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

**RSA No.3656 of 2014
Date of decision: 01.12.2015**

Dharambir

... Appellant

Vs.

Balwan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashok Kaushik, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of facts and law, whereby, the suit for possession of the area/disputed property on the basis of the demarcation report, has been dismissed.

Mr. Ashok Kaushik, learned counsel appearing on behalf of the appellant-plaintiff submits that both the Courts below have erroneously dismissed the suit in not relying upon the demarcation report by holding that it was not in consonance with the High Court Rules and Orders, much less, the instructions issued by the Financial Commissioner. He further submits that now his client has been able to obtain the demarcation report which is in consonance with High Court Rules and Orders, therefore, seeks permission of this Court for

withdrawal of the suit.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below.

It is a fact that demarcation report is not in consonance with the Punjab and Haryana High Court Rules and Orders. In cross examination, PW2 – Girdhari, unequivocally admitted that he had not conducted demarcation report by measuring the property by making pucca points, neither notice of inspection of site has been given to the opposite side though defendant-respondents are allegedly in illegal possession and occupation of the disputed property.

Thus, findings rendered by both the Courts below do not require any interference, which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises to be adjudicated by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 01, 2015
savita