

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

112

Regular Second Appeal No.3860 of 2014 (O&M)

Date of Decision: August 14, 2015

Harbhajan Kaur

...Appellant

Versus

Mohinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Arora, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.8949-C of 2014

Prayer in this application is for condonation of delay of 11 days
in filing of the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the applicant-appellant, the same is allowed.

Delay of 11 days in filing the appeal is condoned.

RSA No.3860 of 2014 (O&M)

This appeal has been filed challenging the judgments and
decree of both the Courts below, by which the suit preferred by the
appellant-plaintiff qua declaration to the effect that she is owner in
possession in respect of land measuring 4 kanals 16 marlas bearing
Khata/Khatauni No.376/1033, comprising of Khasra Nos.61/21/2(3-16) and
22/1(1-10) as mentioned in the year 1993-94 situated in village Dhand,
Tehsil and District Tarn Taran with permanent injunction stand dismissed.

2. It is the contention of the counsel for the appellant-plaintiff that

the Courts below have not appreciated the facts of the case and has overlooked the evidence, which has been led by the appellant-plaintiff, which clearly establishes that she is the owner in possession of the land in question with the efflux of time as the mortgagor has not redeemed the mortgage and the appellant-plaintiff has thus become the owner of the land in question.

3. This contention of the counsel for the appellant-plaintiff cannot be accepted in the light of the detailed discussion and due consideration put forth by the Courts below while appreciating the evidence led by the parties. The same cannot be said to be incorrect.

4. The findings as recorded by the Courts below are based upon the pleadings and the evidence on record, which do not call any interference of this Court. That apart, no substantial question of law arises, which requires consideration of this Court.

5. The appeal stands dismissed.

6. In the light of the dismissal of the appeal, the application for stay i.e. CM No.8950-C of 2014, also stands dismissed.

August 14, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE