

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

RSA No. 4263 of 2014 (O&M)

Date of decision : 9.3.2015

Sundri .. Appellant
versus
Pahlad and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. J. P. Sharma, Advocate, for the appellant.

Rajesh Bindal, J.

One of the defendants is before this Court against the judgments and decrees of both the Courts below, whereby the suit filed by the predecessor-in-interest of respondent nos. 1 to 3/ plaintiff for declaration to the effect that he is owner in possession to the extent of 2/3rd share of land was decreed.

It is a case in which on the basis of the material produced on record by the plaintiff, the Courts below found that he had purchased the land in auction proceedings and sale certificate dated 4.7.1959 was issued in his favour. Though the sale certificate mentions land measuring 13 bighas 10 biswas, however, in the evidence the plaintiff admitted that the actual measurement is 12 bighas 13 biswas. It was on the basis of the aforesaid material on record that the courts below found that the predecessor in interest of respondent nos. 1 to 3/plaintiff having purchased the land in question in Court auction was entitled to the declaration prayed for and further correction in the revenue record. It has further been noticed by the learned Lower Appellate Court that the appellant sought to raise the plea of adverse possession, meaning thereby, the ownership of the plaintiff was admitted. Secondly, the ingredients required to be proved to claim ownership on the basis of adverse possession were not established on record.

Considering the aforesaid factual matrix, I do not find any error in the concurrent findings of fact recorded by both the Courts below. No substantial question of law arises. The appeal is accordingly dismissed. Consequently, the application for condonation of delay is also dismissed.

9.3.2015
vs

(Rajesh Bindal)
Judge