

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

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Regular Second Appeal No.4984 of 2014 (O&M)
Date of Decision: October 13, 2015

Gurdev Singh

...Appellant

Versus

Bakhtaur Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surjit Singh Swaich, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Additional Civil Judge (Senior Division), Sri Muktsar Sahib, dated 31.03.2014, by which the suit filed by plaintiffs-respondents 1 and 2 for possession of land measuring 3 marlas, details of which have been mentioned in the head note, situated in village Bhullar, Tehsil and District Sri Muktsar Sahib and for permanent injunction restraining the defendants from making any construction over the suit land etc., has been decreed and the appeal preferred by the appellant-defendant No.2 against the said judgment and decree, has been dismissed by the Additional District Judge, Sri Muktsar Sahib, on 24.07.2014.

2. It is the contention of the learned counsel for appellant-defendant No.2 that appellant-defendant No.2 is in possession of the property in question since the year 1980 when a writing was entered into the bahis, according to which on 27.12.1980, the sale of the property took place and the possession was handed over to the appellant-defendant No.2. He, thus, contends that even if his ownership is not proved on record but still his

plea of adverse possession would subsists.

3. This contention of the learned counsel for appellant-defendant No.1 cannot be accepted in the light of the documentary evidence brought on record by the plaintiffs-respondents 1 and 2, who had not only produced the jamabandi, which shows their ownership but have also produced the khasra girdawari for the year 2010-11 Exhibit P-21, which establishes their possession and proves the assertion of the plaintiffs-respondents 1 and 2 in the suit that they have been forcibly dispossessed by the appellant-defendant No.2 in the year 2010, which has resulted in the institution of the suit in the year 2011.

4. The findings recorded by the Courts below in the impugned judgments and the conclusions drawn therein, are based on proper appreciation of the evidence and, therefore, do not call for any interference.

5. Both the Courts below have returned concurrent findings in detail after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

6. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

7. In the light of the dismissal of the appeal itself, the application for stay i.e. CM No.11747-C of 2014 stands disposed of as infructuous.

October 13, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE