

RSA No.695 of 2014 (O&M)

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

RSA No.695 of 2014 (O&M)

**Date of Decision: October 12, 2015**

**Bhagat Singh**

...Appellant

Versus

**Devi Ram**

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI**

Present: Mr. Gorakh Nath, Advocate  
for the appellant.

\*\*\*\*\*

**AUGUSTINE GEORGE MASI, J. (Oral):**

**CM No.1582-C of 2014**

Application is allowed, subject to all just exceptions.

**CM No.1585-C of 2014**

Prayer in this application is for condonation of delay of 88 days in filing the appeal.

It has been contended that the appeal could not be filed in time as the counsel for the applicant-appellant did not inform him with regard to the decision in the first appeal as the advocates were on strike. It has further been averred that after obtaining the certified copies, he had approached the counsel to file the appeal which took some time to prepare the appeal.

For the reasons mentioned in the application which is duly

**RSA No.695 of 2014 (O&M)**

supported by an affidavit, the present application is allowed. Delay of 88 days in filing the appeal stands condoned.

**CM No.1584-C of 2014**

Prayer in this application is for leading additional evidence in the form of a letter issued by the Secretary, Municipal Council, Palwal, to show that the property in question stands entered in the register of the Municipal Council, Palwal, at Serial No.2013 dated 22.06.2011, indicating that it is a property in Mohalla Lain Pura, Palwal.

Perusal of the application indicates that no specific reason has been mentioned as to why this document could not have been produced or proved before the Courts below. Without there being any justification nor there being any pleading that this document would enable this Court to pronounce judgment. No requirement as per the statute which mandate an additional evidence to be permitted having been fulfilled, the application stands dismissed.

**CM No.1583-C of 2014**

In the light of dismissal of CM No.1584-C of 2014 above, this application for placing on record annexures appended, stands dismissed.

**RSA No.695 of 2014**

Challenge in this appeal is to the judgment and decree

passed by the learned Civil Judge (Junior Division), Palwal, dated 30.08.2012, vide which, suit for permanent injunction restraining the respondent-defendant from raising illegal and unlawful construction over the suit property as detailed in the headnote and interfering in his peaceful and lawful ownership and possession of the property, stands dismissed against which appeal preferred by the appellant-plaintiff stands dismissed by the Additional District Judge, Palwal, on 25.05.2013.

It is the contention of the counsel for the appellant that the appellant-plaintiff has been able to bring on record proper evidence to the effect that he was owner of the property.

This contention of the counsel for the appellant-plaintiff cannot be accepted as appellant-plaintiff has failed to prove his ownership and possession by leading cogent, valid and legal evidence on record both oral and documentary.

Both the Courts below have returned concurrent findings which are based on proper appreciation of the evidence brought on record which do not call for any interference by this Court as there is no misreading or non-consideration of evidence nor is there any perversity or illegality in the same.

No substantial question of law arises in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

**RSA No.695 of 2014 (O&M)**

**CM No.1586-C of 2014**

In view of the order passed in the main appeal, the prayer made in the present application cannot be granted and the same stands dismissed.

**October 12, 2015**

*Harish*

**( AUGUSTINE GEORGE MASIH )  
JUDGE**