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

**RSA-1994-2010 (O&M)
Date of decision : 12.02.2016**

Pirthi

...Appellant

Versus

Mamu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Manoj K. Tanwar, Advocate, Advocate
for the appellant.

Mr. Vikram Singh, Advocate
for the respondents.

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

AMIT RAWAL, J. (ORAL)

The appellant/plaintiff is in regular second appeal against the concurrent findings of the fact whereby, the suit for mandatory injunction seeking possession of the property in dispute, has been dismissed by both the Courts below.

Mr. Manoj K. Tanwar, learned counsel appearing on behalf of the appellant submits that the appellant/plaintiff is the owner of Khasra No.357 and the respondents-defendants

encroached upon the same and therefore, the aforementioned relief was sought. Both the Courts below have mis-interpreted the demarcation report, whereas on going through other documents, it has ex facie been proved to be case of encroachment and prays for setting aside of the impugned judgment and decree, under challenge.

Mr. Vikram Singh, learned counsel appearing on behalf of the respondents-defendants submits that as per the demarcation report Ex.DW5/A viz-a-viz Khasra No.357, it has been found that there is no encroachment whereas, the respondents-defendants are the owners of Khasra No.370. The demarcation report relied by the appellant-plaintiff has been ignored for the reason that PW-4 in his cross-examination admitted that while demarcating the land, he did not know the exact area of the land, thus prays for dismissal of appeal.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that there is no substance in the appeal and as rightly so, the demarcation report of the appellant-plaintiff has been declined as the PW-4 did not know the area of the property for which he had gone for demarcation, in essence, the demarcation was not in accordance with the High Court Rules and Orders, much less, instructions of the Financial Commissioner, Haryana, whereas the demarcation report brought on record on behalf of the respondents-defendants has been proved and it shows that there was no encroachment of Khasra No.357 and

the respondents-defendants are the owners of Khasra No.370.

Keeping in view the aforementioned facts, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of the oral and documentary evidence, much less, no substantial questions of law arises to be determined by this Court.

Accordingly, the appeal is dismissed.

12.02.2016
yogesh

(AMIT RAWAL)
JUDGE