

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

**RSA-992-2011 (O&M)
Date of Decision:01.09.2016**

JAGDISH PARSHAD

...Appellant

VERSUS

M/S GREATER ASHOK LAND & DEVELOPMENT CO. PVT. LTD

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Aman Pal, Advocate for the appellant.

Mr. G.S. Jaswal, Advocate for the plaintiff-respondent.

DARSHAN SINGH J. (ORAL)

The dispute in the present appeal was as to whether the land in dispute is a part of khasra No.37/7/1 situated in the revenue estate of Sarai Khawaja, District Faridabad or Rect. No.16/7/1 situated in the revenue estate of village Palla.

As per the case of the plaintiffs, they are the owner of the land comprised of Rect. No.37/7/1 vide registered sale deed dated 10.09.1969 measuring 08 marlas situated within the revenue estate of Sarai Khawaja and portion of that land has been encroached upon by the appellant-defendants.

As per the case of the defendants, the land in dispute falls in Rect. No.16/7/1 measuring 01 kanal 13 marlas situated in the revenue estate of village Palla.

In order to dissolve the controversy between the parties, this Court vide order dated 23.04.2015 has directed the trial Court at Faridabad

to get the suit land demarcated through the serving revenue official in the presence of both the parties, either personally or through their representatives and to submit the report.

The demarcation report of Tehsildar, Faridabad dated 03.07.2015 has been received which shows that the portion bearing 288 sq. yards of khasra No.37/7/1 situated within the revenue estate of village Sarai Khawaja has been included in the boundary wall constructed by the appellants. Thus, the demarcation report shows that the appellants have encroached upon the portion of the land comprised of Rect. No.37, Killa No.7/1 owned by the plaintiff-respondents.

Thus, there is no illegality in the impugned judgments and decrees passed by the learned Courts below. Consequently, the present appeal being without any merit is dismissed.

(DARSHAN SINGH)
JUDGE

September 01, 2016
rajneesh

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO