

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1085 of 2014 (O&M)

Date of Decision: 25.02.2016

Narinder Kaur and Another
... Appellant(s)

Versus

Sher Singh
... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Jitender Malik, Advocate
for the appellant(s).

Shekher Dhawan, J.

Present regular second appeal against concurrent findings of facts recorded by both the Courts below, whereby suit of the plaintiff for possession of the house in dispute was decreed and the first appeal filed by the defendant was dismissed and as such present regular second appeal before this Court.

For the sake of convenience, parties are being referred to as per their status before the Court of first instance.

Learned counsel for the appellants mainly submitted that both the Courts below have not appreciated the evidence in its correct

perspective because the Court below has not even considered the compromise Ex.D1 on the basis of which present appellants became owner of the suit property.

Having considered the submissions made by learned counsel for the appellants, this Court is of the considered view that concurrent findings of facts have been recorded by both the Courts below against the present appellants. The plea taken by the appellants having become owner by way of adverse possession has rightly been discarded by the trial Court and the said finding was affirmed by the First Appellate Court. As regard compromise Ex.D1, which was made basis of ownership of the defendants, the same has already been held not to be proved before the Court below. There is no substantial question of law involved in this case. As such, present regular second appeal against concurrent findings of facts having been recorded by both the Courts below, is without any merit and the same stands dismissed.

(Shekher Dhawan)
Judge

February 25, 2016

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