

**RSA-5154-2015(O&M)**

**1**

**IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH**

**RSA-5154-2015(O&M)**

**Date of decision : 12.01.2016**

Municipal Corporation

... Appellant

Versus

Sanjay Kumar

... Respondent

***CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL***

Present: Mr. Dhiraj Chawla, Advocate  
for the appellant.

**REKHA MITTAL. J.(ORAL)**

**CM-12304-C-2015**

Prayer in this application is to condone delay of 556 days in re-filing the appeal.

Heard. For the reasons stated in the application and arguments addressed, the application is allowed and delay of 556 days in re-filing the appeal is condoned.

**RSA-5154-2015(O&M)**

The present appeal lays challenge to the concurrent findings recorded by the Courts below whereby the suit filed by the respondent for permanent injunction restraining the respondent from dispossessing him from the suit property except in due course of law has been decreed by the learned trial Court and the findings recorded by the trial Court have been

affirmed in appeal.

A perusal of the judgments passed by the Courts below would make it evident that it has been consistently held by the Courts that the defendant / appellant failed to prove that it is the owner of the land in question on which the respondent / plaintiff has made his khokha and is doing business therein. Counsel for the appellant is not in a position to point out any material on record sufficient to prove that the appellant – Municipal Corporation, Hisar is the owner of suit land and therefore, entitled to recover possession from the respondent / plaintiff. In this view of the matter, neither any substantial question of law arises for adjudication nor there is any error much less illegality in the findings recorded by the Courts as would call for intervention.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in limine.

**(REKHA MITTAL)**  
**JUDGE**

**January 12, 2016.**  
*Davinder Kumar*