

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3201 of 2014
Date of decision : March 1, 2016

Sukhraj Kaur and another

..... Appellants

Versus

Diwan Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Padam Jain , Advocate
for the appellants.

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 appellants-plaintiffs are aggrieved of the judgment and decree rendered by the lower appellate court reversing the judgment and decree of the trial court, in essence, dismissed the suit seeking possession of the suit property.

Learned counsel for the appellants submits that demarcation ex facie proved the alleged encroachment. Only defendant No.12 is contesting the suit. Once the plaintiffs have been found to be owners there was no occasion for the lower appellate court to reverse the well reasoned judgment and decree of the trial court, thus prays for formulation of substantial question of law as carved out in the grounds of appeal.

I have heard learned counsel for the appellant and

appraised the paper book and of the view that demarcation report is lacking compliance of statutory provisions, much less is not accompanied by the site plan, which is essential and necessary to determine as to which portion was in illegal possession of the defendants. In the absence of site plan, demarcation report and identification of alleged encroachment, decree cannot be granted.

Keeping in view the aforementioned facts, I am in agreement with the finding rendered by the lower appellate court.

I do not intend to differ with the finding rendered by lower appellate court which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the judgment and decree of the lower appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

March 1 , 2016
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