

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

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Regular Second Appeal No.5923 of 2015 (O&M)
Date of Decision: February 15, 2016

Dr. Ramandeep Singh

...Appellant

Versus

Gurjant Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurbir Singh Toor, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.14743-C of 2015

Prayer in this application is for condonation of delay of 29 days
in filing the appeal.

The reason assigned for the delay is that the counsel, after he
was engaged, kept the file after drafting grounds of appeal, in some other
brief inadvertently. The same was traced out and the appeal was filed. The
delay is neither intentional nor deliberate. The application is supported by
the affidavit of the counsel.

For the reasons mentioned in the application which is duly
supported by the affidavit, the present application is allowed.

Delay of 29 days in filing the appeal stands condoned.

RSA No.5923 of 2015

Challenge in this appeal is to the judgment and decree dated
07.08.2014 passed by the Civil Judge (Junior Division), Barnala, whereby
the suit for permanent injunction restraining the respondents-defendants
from dispossessing the appellant-plaintiff from specified khasra numbers as
per the sale deed dated 27.05.2010, stands dismissed, appeal against which

preferred by the appellant-plaintiff has also been dismissed by the District Judge, Barnala, on 15.05.2015.

2. It is the contention of learned counsel for the appellant that in the light of the specific recital in the sale deed with regard to the handing over of the possession of the khasra numbers, as has been mentioned in the sale deed and the mutation having been sanctioned in pursuance thereto, the findings recorded by the Courts below cannot sustain and deserve to be set aside. He, thus, contends that the present appeal be allowed and the impugned judgments be set aside and the decree as prayed for granted.

3. Having considered the submissions made by learned counsel for the appellant and on going through the impugned judgments, the said contentions as raised by the counsel, cannot be accepted in the light of the admitted fact that the land is yet not partitioned. The appellant-plaintiff is holding the land as a co-sharer. The possession over the suit land over specific khasra numbers have been denied by the respondents, although it is admitted that there is indeed a sale deed in his favour and he is a co-sharer of the property. If that be so, the findings as recorded by the Courts below cannot be faulted with and, therefore, are upheld.

4. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

5. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

February 15, 2016

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**