

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. RSA No. 6035 of 2015 (O&M)
Date of Decision : 02.06.2016

Bhalwinder Singh @ Balwinder SinghAppellant

Versus

Gurjit Kaur through Legal RepresentativesRespondents

2. RSA No. 5903 of 2015 (O&M)

Bhalwinder Singh @ Balwinder SinghAppellant

Versus

Gurjit Kaur through Legal RepresentativesRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Amandeep Soni, Advocate
for the appellant in both the appeals.

Surinder Gupta, J.

Both the appeals arise from common judgment passed in Civil Suit No. 182 of 2012, decided by Civil Judge (Senior Division), Jalandhar, whereby suit filed by plaintiff-Gurjit Kaur for possession of suit land on the basis of her title, was decreed and the counter-claim filed by defendant-appellant that he has become owner of suit land by way of adverse possession was dismissed.

2. This fact is not disputed that plaintiff is owner of suit land. The defendant-appellant has set up a plea in counter-claim that he has become owner of suit land on the basis of adverse possession. The above plea was discarded by the Courts below on the ground that suit land was owned by Bhola Singh husband of plaintiff, who died in the year 2005. Plaintiff filed suit seeking possession of suit land on 03.06.2008. Witnesses examined by

have demolished the plea of plaintiff that he is in possession of suit land for a period of more than 12 years before filing of the suit. DW-2 Bikkar Singh has stated that plaintiff-appellant came in possession of suit land after death of Bhola Singh and thereafter, plaintiff approached him to vacate the possession, which he refused. DW-3 Sat Pal Singh has stated in cross-examination that Bhola Singh was owner in possession of suit land during his life time. The appellant did not produce any documentary evidence to show that his possession over suit land is w.e.f. 01.05.1990 as alleged by him so as to rebut the statements of his own witnesses.

3. On perusal of judgments of Courts below I find no legal or factual infirmity therein calling for any interference and learned counsel for the appellant could not point out that findings of fact recorded by the Courts below is based on misreading of evidence or any evidence on record has been either missed or not taken into consideration.

4. No substantial question of law requiring determination arises in this appeal, which has no merit.

Dismissed.

June 02, 2016
jk

(SURINDER GUPTA)
JUDGE