

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.354 of 2013 (O&M)
Date of Order: 28.08.2017

Rajbir and another

..Appellants

Versus

Anil Kuamr

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Dhiman, Advocate,
for the appellants.

Mr. Rajesh Lamba, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J (Oral)

C.M.Nos.991-92-C-2013

Prayer in these applications is for condonation of delay in filing
and re-filing the appeal.

For the reasons mentioned in these applications, which are
supported by an affidavits, the delay of 1 day in filing and delay of 211 days
in re-filing the appeal are condoned.

Applications are allowed.

RSA No.354 of 2013

Defendants are appellants before this Court. Defendants have
challenged the concurrent findings of fact arrived at by the Courts below.

Plaintiff filed a suit for permanent injunction claiming to be in
possession of the suit property. Plaintiff claimed that pursuant to a decree
for specific performance of agreement to sell dated 05.02.2002, sale deed
was executed in his favour with the help of the Court. Plaintiff prayed for

decree of permanent injunction restraining the defendants from interfering in his possession.

Defendants contested the suit claiming that he is a bisweddar of the village and therefore he is in possession of the property.

Learned trial Court after appreciating the evidence available on the file, decreed the suit filed by the plaintiff.

Defendants-appellants filed the first appeal. Learned first appellate Court has also upheld the findings of the trial Court after re-appreciating the evidence available on the file.

Learned counsel for the appellants has reiterated the contentions raised before the first appellate Court. Learned first appellate Court being last Court of finding of fact has dealt with the arguments and returned the findings of fact against the appellants.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below. The regular second appeal is ordered to be dismissed.

August 28, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No