

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

RSA No.4726 of 2015 (O&M)

Date of decision : 08.12.2017

Gora Singh and another

...Appellants

Versus

Rajesh alias Raju and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagjeet Beniwal, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff had filed a suit for possession of land measuring 1 kanals 18 marlas on the basis of ownership. The plaintiff had claimed that he and his brothers were given property by their father Maan Singh through Civil Court decree dated 26.03.1996. The plaintiff further submitted that on 06.07.2008, the plaintiff got his land demarcated from a revenue official and it was found that the defendants have made encroachment over the land measuring 1 kanals and 18 marlas.

On the other hand, defendants claimed that partition had taken place between father of the plaintiff and ancestors of the defendants. It was further claimed that after the partition, father of the plaintiff was requested to allow the defendants to cultivate the land, to facilitate the smooth

cultivation.

Both the Courts below after appreciation of the evidence available on the file, decreed the suit while recording a finding of fact that the defendants-appellants have failed to prove that there was some settlement between the predecessor of the plaintiff and predecessor of the defendants. There is no writing of the aforesaid settlement. Although, DW1 Balwan Singh i.e. defendant No.1 has admitted in the cross-examination that they are cultivating more land as their father had given money of this land to the father of Maan Singh, however, no evidence of the payment has been produced.

In view of what has been stated above, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid judgment.

08.12.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No