

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

RSA No.4729 of 2015 (O&M)

Date of decision : 30.10.2017

Ram Pyari (deceased) through her LRs

...Appellants

Versus

Smt. Santosh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Jain, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

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

Plaintiffs had filed a suit for declaration, permanent injunction and mandatory injunction. The plaintiffs had claimed that they are owners in possession of the suit property being ancestral property.

The defendant on the other hand pleaded that he is owner in possession of the land measuring 44 square yards out of which she has constructed house of 16 square yard area and 28 square yard area is lying vacant. It is further the case of the defendant that the land measuring 44 square yard had been purchased from one Mangha Ram vide sale deed dated 21.08.1995.

Learned Courts below after appreciating the evidence available on the file, dismissed the suit filed by the plaintiffs.

It was held that the defendant had purchased 16 square yard area vide sale deed dated 21.08.1995 and remaining 28 square yard area was purchased by a writing showing the sale consideration to be ₹95/- only.

The plaintiffs were required to stand on their own legs.

Both the Courts below have found that the plaintiffs have failed to prove their ownership after appreciating the evidence. Such finding is not shown to be either perverse or result of misreading of the evidence. Although, learned counsel for the appellants has vehemently contended that the defendant has failed to prove his ownership with regard to 28 square yards area, however, since it is the case of the plaintiffs that they are owner in possession and they have failed to prove such fact by leading cogent evidence, therefore, there is no force in the submission of the learned counsel for the appellants.

In view of the above, the Regular Second Appeal is dismissed.

30.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No