

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

RSA No.871 of 2015 (O & M)

Date of decision :15.09.2017

Satbir Singh

...Appellant

Versus

Municipal Committee, Meham

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sudhir Hooda, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

Plaintiff is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff had filed a suit for permanent injunction against Municipal Committee, Meham asserting that the plaintiff is owner in possession of the suit land.

In reply, defendant-respondent contested the claim and it was asserted that the plaintiff is neither owner nor in possession of the suit land. It was claimed that the plaintiff had shown the dimensions of plot bearing Municipal No.3132.

Learned trial Court after appreciating the evidence available on the file and after noticing that the plaintiff in his cross-examination has admitted that he has no written document regarding ownership of the plot in question, dismissed the suit.

Plaintiff filed the first appeal. Learned First Appellate Court after re-appreciating the evidence available on the file, dismissed the appeal.

Learned counsel for the appellant has pointed out that the defendant was not able to prove his ownership. He has referred to the

statement of Naresh Kumar Saini, Secretary of the Municipal Committee, who has appeared as DW-1. Plaintiff has to stand on his legs. He had come to the Court with the positive assertion that he is owner in possession and he in his cross-examination admitted that he has no document of ownership.

Both the Courts below after appreciating the evidence have also recorded that the plaintiff is not in possession of property which is not found to be erroneous.

In view of the discussion made above, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

The Regular Second Appeal is dismissed.

15.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned: Yes
Whether Reportable : No