

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

**RSA No. 918 of 2015 (O&M)
Date of Decision: 12.01.2017**

Onkar Singh

... Appellant

vs.

Ranjit Singh & Anr.

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. A.P.S. Mann, Advocate
for the appellant.**

ANITA CHAUDHRY, J.

CM No. 2685-C of 2015

For the reasons mentioned in the application, same is allowed and delay of 32 days in filing the appeal stands condoned.

RSA No. 918 of 2015

After having failed before the Courts below, the plaintiff has approached this Court by way of regular second appeal, challenging the concurrent findings recorded by the Courts below.

The plaintiff filed a suit seeking permanent injunction restraining the defendants from interfering in his possession over Rectangle No. 10, Killa No. 25/2, measuring 1 kanal 03 marlas. In the alternative relief of possession was also sought. The claim was based on the sale-deed dated 12.06.1997 and it was averred that the defendants were interfering in his possession over the suit land. The defendants, on the other hand, took the stand that vide sale-deed dated

12.06.1997 only 19 marlas on land was sold to the plaintiff and he wanted to encroach upon the excess land over which the defendants had constructed their house.

It is settled that the plaintiff has to stand on his own legs. While non-suiting the plaintiff, both the Courts below took into consideration the admissions made by the plaintiff to the effect that he never remained in possession of the suit property and admitted that the same was under the possession of the defendants and he never objected to their possession. Writing dated 10.07.1997 was produced on record and by virtue thereof the plaintiff admitted that he had purchased and made payment only of 19 marlas of land and he gave an undertaking not to claim possession over the land in excess of 19 marlas. An attempt had been made to take the benefit of a wrong entry made in the revenue record. The plaintiff had admitted Ex.D1 and he could not claim title and possession based on the mutation. I find no reason to interfere with the concurrent findings recorded by the Courts below which are neither illegal nor suffer from perversity. The findings are affirmed. No substantial question of law arises for consideration in this appeal. Dismissed.

12.01.2017

Jiten

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No