

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

RSA No.6233 of 2017 (O&M)

Date of decision : 22.12.2017

Jaswinder Singh and another

...Appellants

Versus

Harbans Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hardip Singh, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

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

The plaintiffs had filed a suit for possession of land measuring 1 bigha. It was pleaded case of the plaintiffs that the defendants had encroached upon that area and the plaintiffs had filed a previous suit on 16.03.2013. The injunction was granted in favour of the plaintiffs. However, the defendants took over the possession.

The demarcation was carried out and it was found that the defendants have encroached upon the area.

Thereafter with the intervention of the Panchayat, both the parties entered into a settlement dated 14.04.2013. The defendants agreed to compensate the encroached area to the plaintiffs from the area in *abadi*.

The plaintiffs filed a suit for possession on the ground that the

defendants have failed to comply with the settlement dated 14.04.2013 and give alternative land.

Both the Courts below have concurrently found that the defendants have failed to comply with the settlement arrived at between the parties on 14.04.2013.

Learned counsel for the appellants has submitted that there was a settlement between the parties which has been complied with by the appellant. He has submitted that the settlement deed is proved on the file.

I have repeatedly asked the learned counsel for the appellants to point out the fact that this was their plea either before the First Appellate Court, in the grounds of appeal or during the course of the arguments, however, learned counsel for the appellants, failed to answer.

On appreciation of the evidence, both the Courts below have recorded a finding that the defendants-appellants have failed to give alternative land to the plaintiffs after having given undertaking before the Panchayat.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

22.12.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No