

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

**RSA No.2609 of 2010 (O&M)
Date of Decision : 19.09.2018**

Mohinder Singh

..... Appellant

Versus

Dharam Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Malkeet Singh, Advocate
for the appellant.

Mr. Narinder Singh Lucky, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for declaration and possession filed by the appellant.

The case of the appellant was that the property in dispute was earlier in the ownership of the Rehabilitation Department which was purchased by him in an open auction. He took possession, built some structures and also planted some trees and stored rurhi in some part of the suit property. On an earlier occasion the respondents were trying to interfere in his possession and he had filed a suit dated 04.04.2002 for injunction. However during that suit admittedly the respondents came in possession and consequently that suit was dismissed and that is why he filed the instant suit for declaration and possession.

Both the Courts dismissed the suit and one of the main determinant was that the identity of the property in dispute could not be established by the appellant. The description of the boundaries given in the earlier plaint was different to the description of the boundaries given in the present plaint. In his testimony he gave a different set of boundaries.

Learned counsel has not been able to show even before me what was the evidence which established that infact the property in dispute was the property which had been allotted to him.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

19.09.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No