

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

211

RSA-1753-2012 (O&M)

Date of Decision : 19.04.2018

Gurcharan Singh and others

..... Appellants

Versus

Shamsher Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudhir Aggarwal, Advocate
for the appellants.

Mr. Johny Goyal, Advocate
for respondents No.1 and 2.

Service qua remaining respondents stands dispensed with.

Mr. Balram Sharma, Advocate
for respondents No.5 to 7.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for possession filed by the appellants.

The case of the appellants was that their predecessor-in-interest Dal Singh was the owner of the land in dispute which was in illegal possession of the respondents. The respondents had inter-alia denied that the appellants had any relation with Dal Singh. The actual case of the appellants that their father Harnam Singh was actually the son of Gurmukh Singh but after the death of Gurmukh Singh his mother had married with Dal Singh who used to treat Harnam Singh as his son. In this connection the evidence which was led was that Harnam Singh had filed a similar suit

had been decreed. Both the courts below held that the findings in that suit could not be used against the respondents and it was incumbent upon the appellants to have produced independent evidence to prove their relationship with Dal Singh. Having not done so, in the opinion of the courts below, the appellants would not be able to establish their relationship with Dal Singh.

Counsel for the appellants has not been able to explain me how the findings of the courts below are incorrect.

Appeal is dismissed. No costs.

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

April 19, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No