

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA No.4782 of 2012 (O&M)

Date of decision: 01.10.2018

Jagdev Singh

..... Appellant

Versus

Hoshiar Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.P. Tyagi, Advocate
for the appellant.

Mr. R.S. Malik, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff claiming to be owner of some land filed a suit claiming possession on the basis of a demarcation carried out on 09.05.2003 alleging that 78 sq. yards of land has been acquired. The defendant contested the suit and pleaded that he had purchased 18 marlas of land comprised in plot No.139 vide registered sale deed dated 06.02.1979. Learned trial Court apart from relying upon the demarcation which was carried out before filing of the suit, appointed a Local Commissioner who again demarcated the land and found encroachment by the defendant. The aforesaid finding has been upheld by the learned First Appellate Court after re-appreciating the evidence.

Learned counsel for the appellant submitted that the land which

has been purchased by the plaintiff is not complete and the defendant is in possession of lesser area than what is in his possession. However, on being asked, learned counsel could not draw attention of the Court to any pleadings or evidence to this effect. Still further, learned First Appellate Court has after correctly re-calculating the area of encroachment decreed the suit only qua 43 sq. yards.

Learned counsel for the appellant could not draw attention of the Court to any perversity or any misreading or non-reading of evidence by the Courts below.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

01.10.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No