

In the High Court of Punjab and Haryana at Chandigarh

RSA-178 of 2013(O&M)

Date of Decision:27.11.2018

Harcharan Singh

---Appellant

vs.

Harcharan Kaur

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Surinder Garg, Advocate
for the appellant

Mr. K.S.Chahal, Advocate
for the respondent

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings of fact recorded by the Courts whereby suit for possession qua land measuring 14 kanal 18 Marlas, detailed in head note of the plaint, on the basis of sale deed dated 20.8.2004 was decreed for joint possession of land to the extent of 14 kanal 18 marlas out of joint khata measuring 275 kanal 2 marlas as cosharer vide judgment and decree dated 1.2.2012 passed by the Additional Civil Judge (Senior Division), Faridkot. The appeal preferred by unsuccessful appellant-defendant did not find favour with the court of District Judge, Faridkot and the court affirmed findings of the trial court without any variance.

Counsel for the appellant has not disputed that claim of the

respondent-plaintiff qua ownership of the suit land on the basis of sale deed dated 20.8.2004 was accepted by the courts in the earlier litigation between the parties that has attained finality. The present suit was filed by the respondent-plaintiff for possession of the aforesaid land in respect whereof sale deed dated 20.8.2004 was upheld in the previous litigation upto this Court. Both the courts have consistently held that the respondent-plaintiff is entitle to joint possession of land to the extent of area purchased by her vide aforesaid sale deed being one of the co-sharers thereof. Counsel for the appellant has failed to point out that concurrent findings recorded by the courts suffer from an error much less perversity, warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

27.11.2018
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No