

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

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**RSA No.1959 of 2016 (O&M)
Date of Decision : 10.07.2018**

Shyam Lal

..... Appellant

Versus

Bijender and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sanjay Vashisth, Advocate
for the appellant.

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 appellant.

Learned counsel for the appellant has argued that the testimony of the co-villagers clearly prove that the respondents have encroached upon the property of the appellant.

I however find that both the Courts below have noticed that as per the case set up by the appellant he had purchased a plot of 110 sq. yards and the property in his possession is equal to 110 sq. yards and the other points which were being sought to be raised were beyond pleadings.

Learned counsel is not in a position to deny that the other arguments which were being sought to be raised before the Courts below and even before this Court were never part of the pleadings.

In this view of the matter no relief can be granted.

Appeal stands dismissed.

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

(AJAY TEWARI)
JUDGE

10.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No