

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

RSA No.2211 of 2016 (O&M)

Date of decision : 25.07.2018

Gurmukh Singh and another

...Appellants

Versus

Balram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Dassaur, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Defendant Nos.2 and 3-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff and defendants are neighbours. The plaintiff asserts that the defendants have encroached upon area to extent of 2 karam wide strip of land which was kept by the plaintiff for his own beneficial use.

The trial Court appointed a Local Commissioner-Ram Asra, Kanungo, who visited the property and after demarcating, submitted a report that the defendants have encroached upon the land as alleged by the plaintiff. The demarcation was carried out in the presence of defendant and he had signed the report. It is admitted fact that no objection petition to the report of the Local Commissioner was filed. Local Commissioner was never summoned by the defendants in order to test the veracity of the report

submitted by the Local Commissioner. In fact, the defendants apart from oral evidence, have not led any evidence to prove that the report of the Local Commissioner, who is a Court appointed official, is incorrect.

In view thereof, there is no ground to interfere.

Regular Second Appeal is dismissed.

25.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No