

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

**RSA No. 2424 of 2016
Date of decision : 12.02.2018**

Sohan Lal ...Appellant

versus

Suman Trehan and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S. Khuranna, Advocate
for the appellant.

RITU BAHRI, J. (Oral)

C.M. No. 6425-CII-2016

For the reasons mentioned in the applications, delay of 340 days in re-filing of the appeal is hereby condoned.

The application stands disposed of.

R.S.A. No. 2424-2016

This regular second appeal is directed against the concurrent finding of facts recorded by the Court below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant'), has been dismissed.

A bare perusal of the impugned judgment shows that it was the admitted fact that father of the respondents was owner of the suit property and the appellant has not produced any document to show the tenancy. P.W.2 Sohan Lal himself stated in his cross examination that he do not have any written document regarding tenancy. Thus, the fact of tenancy stands

falsified. He further stated that the suit property is bounded and gate has been installed and lock has been placed on the gate. The witness has further stated in his cross examination that lock of the gate does not belong to him nor he is in possession of the property. He further admitted that there was no boundary wall and he was in possession. The lock has been affixed by Ashwanie Bhulle. On the other hand, P.W.1 Vinod Kumar admitted that there is no telephone connection of the appellant in the suit property. Further respondents are running the business of timber in the suit property. The entire property of the respondents is enclosed within the boundary wall and they have installed the gate.

Thus, both the Courts have rightly dismissed the suit of the appellant as no evidence has been led by the appellant to show that he was in possession of the suit property.

Accordingly, the judgments and decree passed by both the Courts below do not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

12.02.2018

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No