

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1118 of 2015 (O&M)
Date of Order: 31.07.2018

Sarwan Singh and others

..Appellants

Versus

Surjit Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Sodhi, Advocate,
for the appellants.

Mr. Ramesh Sharma, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

C.M.No.3245-C of 2015

Prayer in this application is for condonation of delay of 85 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 85 days in re-filing the appeal is condoned.

Application is allowed.

MAIN

Plaintiffs-appellants are in the regular second appeal against the
concurrent findings of fact arrived at by the courts below.

Plaintiffs claim declaration to the effect that they are owners in
possession of land measuring 63 kanals and 8 marlas in equal share and
mutation of exchange no.562 is illegal.

Defendants contested the suit and pleaded that the plaintiffs

never came in possession of the property.

The trial court found that Gaje Singh, predecessor-in-interest of the plaintiffs had filed a civil suit, which was dismissed. The first appellate court further found that Malan had also filed a suit for possession which was decreed and it was held that the exchange as pleaded by the plaintiffs is invalid.

Still further, plaintiffs also filed a suit for declaration claiming adverse possession. The aforesaid suit was also dismissed. The courts below have rightly concluded that the issues which are sought to be raised in the present litigation have already been finally decided.

Although, learned counsel for the appellants made sincere attempt to persuade this Court to take a different view, however, in the absence of any perversity or non-reading of evidence, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the courts below on appreciation of evidence.

The regular second appeal is dismissed.

CM No.3246-C-2015

CM No.3247-C-2015

During the course of arguments, these miscellaneous applications were not pressed by learned counsel for the parties.

July 31, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No