

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

**RSA-672 of 2013(O&M)
Date of Order:31.10.2018**

Modi Ram(since deceased) through his LRs

..Appellant

Versus

Bal Krishan (since deceased) through his LRs and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. U.K.Agnihotri, Advocate, for
Mr. Rajiv Kumar Saini, Advocate,
for the appellant(s).

ANIL KSHETARPAL, J (Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below while dismissing suit for grant of permanent injunction and mandatory injunction for restoration of the possession of plot measuring 61 feet x 70 feet.

Plaintiff claims that he is owner of the plot in question pursuant to an unregistered sale deed dated 23.09.1961, for Rs.99/- and the defendants took forcible possession when the plaintiff went out of station.

Defendants contested the suit and pleaded that they are in possession of the property since the time of their forefathers.

Both the courts after appreciating the evidence have found that the plaintiff has failed to prove title of his vendor. Still further the appellate court has also held that from the reading of the alleged unregistered sale deed, identification of property is not established as description of the properties located on all four sides has not been given. The property in

dispute is located in abadi (residential area of the village) and not identified by khasra numbers.

Learned counsel appearing for the appellant, although, made sincere attempt to persuade this court to take a different view, however, in the absence of any substantive error in the judgments passed by the courts below, this court is of the opinion that the concurrent findings of fact cannot be interfered with.

The regular second appeal is dismissed.

C.M.No.1838-C-2013

Prayer in this application is for condonation of delay of 30 days in re-filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 30 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.1839-C-2013

Exemption is allowed.

October 31, 2018
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(ANIL KSHETARPAL)
JUDGE

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