

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

-.-

RSA 3797 of 2015 (O&M)
Date of decision: 20.09.2018

Ajmer Singh

..... Appellant

Versus

Joginder Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Hitesh Kumar Sammi, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby application for passing final decree has been disposed of. The plaintiff and defendants are declared owners in possession of the specific plots as per site plan submitted by the Local Commissioner, appointed to suggest mode of partition.

Counsel for the appellant would argue that the appellant filed objections against report of the Local Commissioner by contending that he is in possession of plot No. 3 but the Local Commissioner allotted plot No. 1 to him. The Courts have consistently held that the appellant has failed to substantiate his plea with regard to his possession of plot No. 3 in order to stake his claim to plot No. 3 viz-a-viz plot No. 1.

The appellant raised another plea before the Court in appeal that value of plot No. 3 is more than that of plot No. 1. The appellate Court has noticed that no such objection was raised by the appellant before the

trial Court. Counsel for the appellant has not disputed the same. He has also failed to point out any materials on record to substantiate his plea that he is in possession of plot No. 3, therefore, he can claim to continue in possession of said plot as against plot No. 1. In this view of the matter, I do not find an error much less illegality in consisting findings recorded by the Courts, warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

20.09.2018
mohan bimbura

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