

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5351 of 2016
Date of decision: 06.07.2018

Rattan Singh

..... Appellant

Versus

Amrik Singh (deceased) through LRs

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kanwal Goyal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing the suit for recovery of Rs.1,65,000/-, the cost representing the trees allegedly cut and removed by the defendant.

It is not in dispute that earlier, it was a joint land and in partition proceedings, khasra No.11/27 had fallen to the share of the defendant. Thus, the land from where the trees have been cut and removed fell to the share of the defendant. Taking into consideration these facts, both the Courts have dismissed the suit.

Learned counsel for the appellant has pointed out that another regular second appeal involving question of title is pending in the Court. He states that the finding of the Courts below would adversely affect the rights of his client in the aforesaid appeal.

This Court has considered the submission. In these

proceedings, only the right to recover Rs.1,65,000/- as damages is being adjudicated upon. Any finding given by the Court on any other aspect would not bind the Court which ultimately decides question of title.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

06.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No