

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

RSA No.4031 of 2015 (O&M)

Date of decision: 09.02.2018

Gurmit Singh

..... Appellant

Versus

Gurdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harkaran Singh, Advocate, for
Mr. B.S. Bhalla, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiff filed a suit for possession of the suit property on the basis of his title. The plaintiff claimed that before him, his father Gurdial Singh was owner of the property and the defendant was permitted to occupy the property as he was constructing his house nearby. However, thereafter, the defendant refused to hand over the possession back. The defendant pleaded that he is in old possession of the property and hence, he has perfected his title by way of adverse possession.

Learned trial Court after appreciating the evidence available on the file decreed the suit. The first appeal preferred by the defendant was also dismissed after re-appreciating the evidence available on the file.

The plaintiff in order to prove his ownership has placed on record revenue record Jamabandi for the year 2008-09 Ex.P-2 in which

Gurdial Singh, father of the plaintiff-respondent is recorded as owner. Both the Courts have examined the plea of defendant-appellant with regard to perfection of his title by way of adverse possession and rejected it.

In view thereof, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

09.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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