

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

**RSA No.5845 of 2016 (O&M)
Date of Order: 14.09.2018**

Smt. Gurcharan Kaur

..Appellant

Versus

Girraj Gujar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaivir S. Chandail, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, dismissing suit filed by her for permanent injunction.

It is the stand of the plaintiff that her husband Manak Chand and his brother Gulshan were owners of adjoining houses. It is further pleaded case of the plaintiff that Megh Singh and Dharam Pal encroached upon the plot owned by Gulshan and thereafter Megh Singh filed a litigation against the plaintiff in which plaintiff also filed a counter claim. The counter claim filed by the plaintiff was allowed and the appeal was dismissed.

Defendants contested the suit and pleaded that the defendants have no concern with the previous litigation and they are bonafide purchasers of the property through registered sale deed dated 11.11.2011 with respect to plot measuring 150.15 square yards from the previous owner, namely Ram Singh.

When the plaintiff appeared in evidence, she admitted that she was dispossessed by the defendants. She also admitted that she is not in possession of the suit property and it is defendant no.1 Girraj Gujar, who is in possession of the property. Thus, the suit filed by the plaintiff was dismissed.

Learned first appellate court after re-appreciating the evidence further affirmed this finding on re-appreciation of evidence.

Although, learned counsel appearing for the appellant made sincere attempt to persuade this court to take a different view, however, keeping in view the findings of fact arrived at by the courts below, which are neither shown to be suffering from any perversity nor non reading or misreading of evidence.

In view thereof, this court does not find any good ground to interfere.

The regular second appeal is dismissed.

September 14, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No