

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

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RSA No.6111 of 2016 (O & M)
Date of Decision:16.05.2018

Siri Bhagwan

...Appellant

Versus

Sarjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM-16080-C-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 124 days in re-filing the appeal is condoned.

Application is allowed.

CM-16081-C-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 18 days in filing the appeal is condoned.

Application is allowed.

Main case

Learned counsel for the appellant has not chosen to appear, although the case has been called twice. Hence, this Court is left with no other option except to decide the matter on merits after perusing the case file.

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, while dismissing the suit for permanent injunction with a consequential relief. Plaintiff-appellant claim that defendants No.2 and 3 have sold the property to defendant No.1 but while taking possession he has also included some part of their property. In the written statement, defendant denied the claim.

Both the courts after examining the evidence available on the file, dismissed the suit. The learned First Appellate Court has noticed that the plaintiff-appellant has sold the property to his two brothers and the aforesaid brothers subsequently sold the property to their sister, i.e. defendant No.1.

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

Regular second appeal is dismissed.

16.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No