

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

103

**CM-16547-C-2016 in/and
RSA-6303-2016 (O&M)
Date of Decision : 14.09.2018**

Dheeraj

..... Appellant

Versus

Angad and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Gourav Jain, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (ORAL)

CM-16547-C-2016

For the reasons recorded, the application is allowed. Delay of 104 days in filing the appeal is condoned.

RSA-6303-2016 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for permanent injunction filed by the appellant.

The case of the appellant was that the land bearing Khasra No.199/1 gair mumkin gora-deh was reserved for common purposes after having been carved out from the shares of all the proprietors but the respondent No.1 wanted to encroach upon the same.

Both the courts below found that contrary to the assertion that the land was reserved for common purposes, the appellant

had admitted in his cross-examination that even his house was constructed in the same khasra number. The courts also found that the appellant had admitted that there were about 10 other houses also constructed in the same khasra. The courts also noticed that except for 1 or 2 stray entries the other jamabandies recorded the land as joint land and possession of the co-owners and thus dismissed the suit.

Counsel for the appellant has not been able to persuade me that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 14, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No