

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

**RSA No.5475 of 2015 (O&M)
Date of Order: 20.07.2018**

Tulsa Singh(since deceased) through his LR

..Appellant

Versus

Karnail Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sant Lal Barwala, Advocate,
for the appellant.

Mr. Parvinder Singh, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

Plaintiff claims that he is a poor person and he was given certain land for staying on which he has constructed his house consisting of two rooms and another two rooms for tethering cattle.

Defendant contested the suit and pleaded that his wife purchased the property in open auction from the government on 28.08.1974, which was later on sold to one Resham Singh vide sale deed dated 03.06.1995.

Learned counsel for the appellant submitted that various litigation have been filed against him and every one wants to forcibly occupy his house. He has drawn attention of the court to the judgments passed by the courts granting injunction in his favour.

On careful examination of the aforesaid judgments, it is apparent that the plaintiff's possession was protected against forcible dispossession.

On the other hand, learned counsel for the respondent has drawn attention of the court to a decree for possession passed against the plaintiff-appellant dated 24.02.2009, Ex.P6 on the record, which has been affirmed in appeal vide judgment and decree dated 14.01.2013.

It is the case of the respondent that pursuant to the aforesaid decree, plaintiff-appellant has already been dispossessed. It has further been pointed out that the plaintiff while filing the present suit did not disclose about the decree for possession, which has been passed in his favour.

Keeping in view the decree, which was passed against the plaintiff-appellant, dated 14.01.2013, which according to the respondent has already been executed, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

July 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No