

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

RSA No.902 of 2016 (O&M)

Date of decision : 30.05.2018

Ram Kishan

...Appellant

Versus

Samunder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P. Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.2467-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 17 days in filing the present appeal is condoned.

Application is allowed.

Main case

Plaintiff No.2-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs had filed a suit for possession by way of partition of a plot measuring 1370 square yards. The plaintiff claims that he had purchased the property vide sale deed dated 23.02.1966. The sale deed is with respect to the agricultural land. However, there is some reference to a plot also.

The defendants contested the suit and pleaded that this plot is not part of the aforesaid registered sale deed.

On appreciation of the evidence, the Courts have found that in the registered sale deed, neither the plot number has been given nor the aforesaid plot has been identified by the properties surrounding on all four sides.

The Court has further found that in the previous litigation, it was held that the property which was purchased by the plaintiff is not the same qua which the present suit has been filed, vide judgment dated 12.12.2008.

In view of the aforesaid judgment, which is Ex.D1, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

30.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No