

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

RSA No.980 of 2016 (O&M)

Date of decision : 09.05.2018

Kashmir Singh and others

...Appellants

Versus

Ram Karan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Johan Kumar, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing the suit for permanent injunction seeking to restrain the defendants from raising any construction and in the alternative, for a decree of possession of the disputed property if the defendants succeed in taking over the possession.

The plaintiffs claim that they are licensee from Sadha Singh and others and, therefore, they are in possession of the property. Whereas the defendants pleaded that they have purchased the property from Ram Lal and Labha Mal through various sale deeds.

Learned trial Court after appreciating the evidence available on the file dismissed the suit after recording a finding that no allotment letter in favour of Sadha Singh and others has been produced on file.

Learned First Appellate Court while dismissing the appeal filed by the appellants have given various reasons including the fact that a written compromise deed Ex.D-1/A, wherein the plaintiffs-appellants had admitted the extension of two shops having been constructed by the defendants and the plaintiffs admit the ownership of the defendants. The judgment passed by the learned First Appellate Court is in detail and the learned counsel for the appellants although made sincere efforts, however, could not point out any substantive mis-reading and non-reading of the evidence or any error in the conclusion arrived at.

In view of the aforesaid, Regular Second Appeal is dismissed.

There is an application for condonation of delay of 1095 days in refileing the appeal. Since, the appeal has been decided on merits, therefore, no further order is required to be passed.

09.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No