

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.135 of 2017 (O&M)
Date of Order:11.07.2018

Ramesh Kaur alias Krishna

..Appellant

Versus

Deputy Director, Sainik Welfare

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Peeush Gagneja, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

C.M.No.272-C-2017

Prayer in this application is for condonation of delay of 53 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 53 days in re-filing the appeal is condoned.

Application is allowed.

MAIN

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

Plaintiff filed a suit for permanent injunction restraining the
defendant from interfering in her peaceful possession. Defendant in the
present case is Deputy Director, Sainik Welfare, Ferozepur Cantt.

Defendant contested the suit and pleaded that previously
husband of the plaintiff filed a suit for permanent injunction which was
dismissed and even appeal filed against the same was dismissed on

04.10.2011. Defendant has further pleaded that under the Public Premises Act, persons who were in unauthorized possession were ordered to be evicted on 14.08.1997. Appeal filed by husband of the plaintiff and other legal heirs of Phuman Singh, the father in law of the plaintiff, was also dismissed on 03.01.2006.

Both the courts have found that the plaintiff has failed to prove any right, title or interest in the property. The only plea of the plaintiff is that Phuman Singh had in a panchayat meeting given possession of the land to her in lieu of her rights of maintenance.

In the considered opinion of this court, once Phuman Singh or his legal heirs has been ordered to be evicted under the Public Premises Act and the plaintiff has failed to prove any right, title or interest in the property, 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 11, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No