

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.463 of 2014 (O&M)
Date of Order: 31.07.2018

Om Pal and others

..Appellants

Versus

Balwan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narender Singh, Advocate, for
Mr. Vinod S. Bhardwaj, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

C.M.No.1081-C-2014

Prayer in this application is for condonation of delay of 11 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 11 days in re-filing the appeal is condoned.

Application is allowed.

MAIN

Plaintiffs-appellants are in the regular second appeal against the
concurrent findings of fact arrived at by the courts below, dismissing the
suit for possession by way of partition of Abadi Deh land (residential area).

Plaintiffs claim that this land belongs to proprietors of village
Panna Rathi and, therefore, they are entitled to partition the property.

Defendants contested the suit and pleaded that the property has
already been partitioned and in the consolidation scheme, proprietors as
well as non-proprietors were settled and no land is vacant.

Both the courts below have found that the land was assigned/reserved for residents of the village community, which includes not only the proprietors but also the non-proprietors.

Although, learned counsel for the appellants made sincere attempt, however, could not point out any perversity in the judgment passed or any non reading or misreading of evidence by both the courts below.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the courts below.

The regular second appeal is dismissed.

July 31, 2018
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(ANIL KSHETARPAL)
JUDGE

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