

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3313 of 2017 (O&M)

Date of Order:20.08.2018

Gurdev Singh

..Appellant

Versus

Khazan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipul Aggarwal, Advocate,
for the appellant.

ANIL KSHETARPAL, J.

C.M.Nos.8054-55-C-2017

Prayer in these applications is for condonation of delay of 131 days in filing and 540 days in re-filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 131 days in filing and 540 days in re-filing the appeal are condoned.

Applications are allowed.

MAIN

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

An unfortunate litigation had to be filed by the father who is owner of the property against his son for getting possession of one room on the first floor of the property.

Plaintiff-respondent claims that defendant-appellant (son) was permitted to reside and his license has been cancelled and therefore he is entitled to possession. It was further pleaded that Gurdev Singh, defendant-

appellant (son) had also filed a suit wherein the court held that the defendant-appellant had no right, title or interest in the property.

Defendant contested the suit and pleaded that he had in fact contributed and jointly constructed the house in question and, therefore, he has right to reside.

Both the courts after appreciating the evidence and while relying upon a previous judgment passed on the same parties dated 06.08.2008, appeal against which was also dismissed by the judgment and decree dated 29.04.2009, held that the plaintiff is entitled to possession of the property.

Although, learned counsel appearing for the appellant made an attempt to persuade this court to take a different view, however, he could not draw attention of the court to any misreading, non-reading or perversity in the judgments passed by the courts below.

Keeping in view the aforesaid facts, 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.

August 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No