

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

**RSA No.3398 of 2018 (O&M)
Date of Order:03.07.2018**

Tega Singh and anothers

..Appellants

Versus

Gulzar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kuljit Singh Bal, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

Plaintiffs filed a suit for declaration claiming that the plaintiffs and defendants are co-sharers in possession of the land measuring 335 kanals and 9 marlas. Challenge was also made to the mutation numbers 2328, 2329 and 2330. It was further prayed that the defendants be restrained from selling specific khasra numbers.

In defence, the defendants pleaded that partition between the parties has already been effected and it is reflected in the revenue record. It was further mentioned that the plaintiffs had previously filed an application for partition of the land, which was dismissed by the competent authority.

Both the courts after examining the evidence available on the file have concurrently found that the plaintiffs have failed to prove their case. Some of the plaintiffs had been selling and mortgaging the land which had fallen to their share in the partition.

Learned counsel for the appellants, made sincere attempt to persuade this court to take a different view, however, taking into consideration that learned counsel could not point out any substantive misreading or non-reading of evidence, this court does not find any good ground to interfere with the concurrent findings of fact.

The regular second appeal is dismissed.

July 03, 2018
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(ANIL KSHETARPAL)
JUDGE

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