

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

**RSA No.4093 of 2017 (O&M)
Date of Order: 21.11.2018**

Bachittar Singh @ Joginder Singh and others

..Appellants

Versus

Karmi Devi and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Rimjhim Mahajan, Advocate, for
Mr. Sanjeev Pandit, Advocate,
for the appellants.

Mr. N.K.Nagra, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Defendant nos.1 to 3 are in the regular second appeal against the judgment passed by the learned first appellate court.

Plaintiff-respondent filed a suit claiming possession on the basis of ownership with the assertion that the defendants have unauthorizedly encroached 1 kanal 16 marlas of land.

During the pendency of the suit, a revenue official i.e. Kanungo Sh. Avtar Singh was appointed to demarcate the land. He conducted a demarcation in the presence of the parties on 13.05.2013 and submitted his report on 16.05.2013, concluding that the defendants have encroached upon 8 marlas of land belonging to the plaintiff. The report submitted by the Kanungo Sh. Avtar Singh is in detail and on careful scrutiny thereof, it is apparent that he while demarcating the land took care by cross check the distances between various points from where demarcation was to be carried

out in all the directions.

Learned trial court dismissed the suit on the ground that demarcation has not been carried out in accordance with the procedure laid down in the High Court Rules and Orders as he was not having “Masavi” (a short lay out plan of the land). However, learned first appellate court found that the Local Commissioner i.e. revenue official was having complete lay out plan which drawn on a cloth, on the basis whereof “Masavis” are prepared. The court has further found that Kanungo Avtar Singh had appeared in evidence and in cross-examination defendants could not impeach the correctness of the report given by the plaintiff.

Learned counsel for the appellant, although, with all vehemence at her command has submitted that the report of the revenue officials was incorrect, however, on careful perusal of the report which has been placed on file, it is apparent that the aforesaid kanungo accompanied by the Patwari of the area along with relevant record had carried out demarcation in the presence of the parties. Still further, defendants have not produced any evidence to prove that the demarcation carried out by the revenue officials on the directions of the court was result of any error.

In view thereof, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

November 21, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No