

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

**RSA No.4179 of 2017 (O&M)
Date of Decision:11.01.2018**

Tarsem Singh Dulley

...Appellant

Versus

Surinder Singh Viridi and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Atul Kaushik, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, while deciding a suit for separate possession by way of partition.

It is not disputed that the originally property was owned by Basant Singh, Chanan Singh and Mit Singh. The plaintiff is grand son of Chanan Singh. It is a case of the defendant that the entire property of the family was actually partitioned in a family settlement and the property in dispute came to the share of vendors of the defendant.

Both the courts, after appreciating the evidence available on the file, recorded a concurrent finding of fact that the defendant failed to prove any family settlement between the parties.

I have heard the learned counsel for the appellant at length and with his able assistance gone through the impugned judgments passed by the courts below.

Learned counsel for the appellant has submitted that the

appellate court has failed to consider the evidence of Balbir Singh, DW-7, who was working as a Sewadar in the Gurudwara Sahib.

Both the courts below have discussed the entire evidence available on the file and arrived at a definite conclusion. Both the courts below have noticed the evidence given by Balbir Singh, DW-7 in para 17 of the judgment of the first appellate court.

Taking into consideration these facts, there is no good ground to interfere with the concurrent findings of fact arrived at by the courts below.

Dismissed.

11.01.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No