

In the High Court of Punjab and Haryana at Chandigarh

RSA- 4214 of 2018(O&M)
Date of Decision: 19.07.2018

Ishwar Singh

---Appellant

versus

Shri Baba Bansi Wala Samiti

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. C.L.Sharma, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for possession filed by the appellant/plaintiff on the basis of demarcation report dated 14.12.2013 was dismissed by the trial court vide judgment and decree dated 24.8.2017 and the same was affirmed in appeal by the District Judge, Sonapat vide judgment and decree dated 18.4.2018.

Counsel for the appellant/plaintiff would urge that the respondent/defendant is in illegal possession of land out of land comprising khasra No. 50/8, 30/21/2 owned by the appellant-plaintiff.

The courts have consistently held that demarcation report, basis of the suit filed by the appellant is not proved in accordance with law. The said demarcation report is based upon some orders passed by the

Tehsildar Gohana and demarcation was conducted without any notice to the respondent/defendant, therefore, the appellant has failed to substantiate his plea with regard to the respondent-defendant being in unauthorised possession of any land owned by the appellant or his entitlement to seek possession with a direction to the respondent to remove construction and other articles from the suit property.

Counsel for the appellant is not in a position to challenge correctness of factual findings recorded by the courts. He is not in a position to make any arguments much less meaningful that demarcation report relied upon by the appellant can form the basis for accepting his claim, in the given scenario. In this view of the matter, consistent findings recorded by the courts do not suffer from error much less perversity nor give rise to a question of law that needs determination in regular second appeal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

19.07.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No