

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

RSA No.4724 of 2017(O&M)

Date of Decision: 30.01.2018

Mahender Singh (now deceased)
through his legal heirs

... Appellant

Versus

Smt. Panmeshwari@ Panmeshri widow & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. C.R. Narwal, Advocate,
for the appellant.

RAMENDRA JAIN, J.(Oral)

Unsuccessful defendants have preferred the instant regular second appeal, challenging the judgment and decree of the First Appellate Court dated 24.07.2017 affirming the judgment and decree of the trial Court dated 12.02.2014, whereby suit of the respondents-plaintiff for possession qua Khasra No.224 comprising Khewat No.138/114 Khatoni No.296, situated at Village Haibtpur, Tehsil Narnaund, District Hisar (hereinafter referred to as 'the suit property'), according to the jamabandi for the year 2003-2004, was decreed in toto.

In short, the respondents-plaintiff claiming themselves to be the owners of the suit property filed a suit for possession against the father of appellants-defendant pleading that he had illegally encroached upon an area of 390 sq.ft. of it.

The trial Court after holding trial, decreed the suit with costs vide judgment and decree dated 12.02.2014 directing the father of the appellants-defendant to hand over the possession of the aforesaid area to the respondents-plaintiff within two months.

Being aggrieved, the father of the appellants-defendant preferred an appeal and during its pendency, expired. Therefore, the appellants were brought on record. After hearing both the sides, the First Appellate Court affirmed the judgment and decree of the trial Court vide judgment and decree dated 24.07.2017.

Heard.

Having given thoughtful consideration to the submissions made by learned counsel for the appellants-defendant, this Court finds that the instant appeal is completely devoid of merit for the reasons to follow:-

1. No question of law much less substantial raised or arises in this second appeal for consideration. Therefore, the same is not maintainable.
2. Both the Courts have given concurrent findings that the respondents-plaintiff according to the revenue record were owners of suit land. The appellants-defendant and their father could not disprove the aforesaid stand of the respondents-plaintiff by leading any evidence what to talk of any cogent and convincing. Therefore, this Court is not inclined to interfere with the concurrent findings of the Courts below.

I have gone through the judgments of the trial court and the First Appellate Court as well and find no illegality in the same.

Accordingly, the instant appeal stands dismissed.

30.01.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No