

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

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**RSA No.48 of 2017 (O&M)
Date of decision: 30.04.2018**

Jag Mohan

..... Appellant

Versus

Shimla and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Palak Dev, Advocate, for
Mr. Aditya Jain, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing the suit for possession by way of partition of the joint property. The plaintiff claims that he has purchased 6/107th share from one Lakshman vide sale deed dated 05.08.2003. The plaintiff when appeared in the evidence has admitted that all the co-sharers are in possession of their respective shares and every one has constructed houses on their portion. He has also admitted that prior to the purchase of the plot by him, the defendants were residing in the respective houses. On the basis of this admission, both the Courts have recorded a concurrent finding that the property is no more joint and has been divided by all the co-owners and they have constructed their houses.

Learned counsel for the appellant could not point out any misreading or non-reading of substantive evidence available on the file.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

**(ANIL KSHETARPAL)
JUDGE**

30.04.2018
Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No