

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

133

RSA No.5070 of 2017
Date of Decision:12.01.2018

Dheera and others

...Appellants

Versus

Surat Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mayank Aggarwal, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

Defendants No.8 to 13-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs had filed a suit for possession, whereas defendants No.8 to 13 had pleaded that they have perfected their title by way of adverse possession.

Both the Courts have recorded a concurrent finding of fact that the defendant failed to plead and prove from which date and time their possession became adverse hostile known to general public. Although, learned counsel for the appellants has tried to refer to the statement of the witnesses to prove that their possession was hostile from the very beginning, however, in the absence of any pleadings to assert that their possession became adverse at a particular time and how they have perfected their title, this Court does not feel any scope for interference in the concurrent finding of fact arrived at by the Courts below.

Regular second appeal is dismissed.

12.01.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No