

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

**RSA-4969-2018 (O&M)
Date of Decision:31.08.2018**

Balraj	Versus	... Appellant
Ram Chander		... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Abhimanyu Kalsy, Advocate for the appellant.

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TEJINDER SINGH DHINDSA, J. (ORAL)

A suit for possession instituted by plaintiff-Ram Chander in respect of land measuring 5 marlas comprised in Khewat No.6, Khatoni No.7 Khasra No.1164/2 (4-17) situated in village Naguran, Tehsil and District Jind with consequential relief of mesne profits was partly decreed in favour of the plaintiff and against defendant No.3 vide judgment dated 30.09.2016 passed by the trial Court. Civil appeal having been preferred by defendant No.3/Balraj has been dismissed vide judgement dated 02.05.2018 passed by learned Additional District Judge, Jind, thereby affirming the judgment and decree of the trial Court and it has been directed that in case defendant No.3/appellant does not hand over the vacant possession of the encroached land within one month, he shall be liable to pay occupation charges as per collector rate from the date of decree passed by the trial court.

2. Resultantly, defendant No.3-Balraj is in second appeal before this Court.

3. At the very outset, it may be noticed that even though the suit had been instituted against three defendants, defendant Nos.1 and 2 were deleted from the array of the parties as they had handed over the possession

of the suit property of which they were occupying.

4. Counsel for the appellant has been heard at length.

5. The conceded position of fact is that no dispute had been raised by the defendant/appellant with regard to ownership rights of the plaintiff with regard to the suit property. Insofar as the present appellant is concerned, plaintiff/respondent was seeking a decree for possession to the extent of one marla land. Encroachment at the hands of the present appellant for one marla land owned by the plaintiff/respondent was even corroborated as per testimony and evidence of PW2 Sandeep and who happen to be an independent witness. That apart, even the defendant/appellant's own witnesses i.e. DW3 Mahavir and DW4 Sunil had deposed that the defendant/ appellant was in illegal possession of the suit property in the ownership of the plaintiff/respondent to the extent of one marla.

6. Under such circumstances, no infirmity is found in the concurrent view taken by the Courts below and whereby decree for possession to the extent of one marla land has been granted in favour of plaintiff/respondent and against the defendant/appellant

8. The instant second appeal does not raise any question of law.

9. No interference in the matter is warranted.

10. Appeal is devoid of merit and is dismissed.

31.08.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No