

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

RSA No.5674 of 2017 (O&M)

Date of decision : 26.07.2018

Balbir Singh (since deceased) through his LRs

...Appellants

Versus

Om Parkash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Shekhawat, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.14976-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 141 days in refiling the appeal is condoned.

Application is allowed.

Main Case

The plaintiff through his LRs are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff filed a suit for possession claiming the ownership over the property in dispute.

Both the Courts below have concurrently found that during the consolidation of holdings, the area reserved for abadi was exchanged and some part of the land came within abadi. The plaintiff's claim is that since

prior to the consolidation, the aforesaid khasra number was owned by him, hence, he is entitled to possession. The plaintiff has not produced any evidence to prove that new khasra number after consolidation of holdings was ever allotted to the plaintiff. Still further, it has been established on the file that the respondents-defendants were allotted these small plots to landless persons under Indira Awaas Yojna and construction was carried out with the assistance of the Government. In absence of any evidence to prove that post consolidation, the land in dispute was allotted to the plaintiff, this court does not find any ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

26.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No