

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

RSA No.5730 of 2017
Date of decision: 11.09.2018

Karamjit Singh

..... Appellant

Versus

Roor Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Impinder Singh Dhaliwal, Advocate, for
Mr. N.S. Dandiwal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below decreeing the suit for declaration that the plaintiff is owner of the property and he is entitled to possession thereof. The defendant-appellant claims that he has perfected his title by way of adverse possession. Both the Courts have examined this aspect and found that the defendant has failed to prove the plea set up by him. Learned First Appellate Court has noticed that DW-2-Gurdev Singh when appeared in evidence has admitted that the defendant or his father never occupied the land forcibly. Still further, when DW-4-Malkiat Singh appeared, he admitted that the dispute arose between the parties only in the year 2001 when the plaintiff raised objection regarding raising of construction by the defendant. He also admitted that the defendant or his father never occupied the suit land forcibly.

Keeping in view the aforesaid findings which are neither shown

to be perverse nor result of misreading or non-reading of evidence, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

11.09.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No