

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

**RSA No.574 of 2017 (O&M)
Date of Order:06.09.2018**

Dhare

..Appellant

Versus

Krishan and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Suri, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Defendant-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

Small dispute which has travelled upto this court is only with respect to a wall which is approximately 20-30 feet in length. Dispute is whether the wall is common or exclusively belongs to the defendant-appellant.

Plaintiffs claim that the wall is common which has been dismantled by the defendant-appellant with a promise to reconstruct but not reconstructed.

Defendant claims that it is his exclusive wall and the property underneath the wall also belongs to him.

Both the courts have discussed the evidence led by the parties and have concurrently found that the defendant-appellant has failed to prove that the wall in question is his exclusive.

Defendant had relied upon a compromise arrived at before the panchayat on 02.02.2011. However, it has been found by the courts below

that the aforesaid alleged compromise is suspicious as Sarpanch who is said to have got the parties entered into settlement was not present at the spot and signatures were obtained subsequently by the defendant.

Learned counsel for the appellant although made sincere attempt to persuade this court to take a different view, however, the findings of the courts below are finding of facts on appreciation of evidence. Learned counsel could not point out any perversity or misreading or non reading of substantive evidence in the judgment passed by the courts below.

Hence, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

September 06, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No