

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

**RSA No.674 of 2018 (O&M)
Date of Decision:01.12.2018**

Smt.Raj Bala

...Appellant(s)

Versus

Suresh and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Naveen Singh Panwar, Advocate for the appellant.

ANIL KSHETARPAL, J.

The plaintiff-appellant through his LR is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

The plaintiff filed a suit for permanent injunction, restraining the defendants from interfering into his peaceful possession. He claimed that he is owner in possession of plots bearing Nos.247 and 248 pursuant to a family settlement arrived at 40 years ago. It is further pleaded case of the plaintiff that a portion of plot bearing No.247, which is known as plot No.248 was sold by the ancestors of the plaintiff to the ancestors of Dei Ram in the year 1970, however, in 1977, Sangh Ram son of Sarjan again purchased the aforesaid plot from Dei Ram.

The defendant contested the suit and pleaded that defendant No.2 had purchased the plot/house of Krishan vide registered Sale-deed No.1088 and agricultural land of Krishan and Maya Devi vide sale-deed No.1087 by making full and final payment on 15.5.2009.

Both the courts, while appreciating the evidence available on the file have found that a lay out plan of partition Ex.P1 relied upon by the plaintiff although does not contain dimension and description of the plot but

as per certified copy of Khatoni Taksim Ex.P2, it is apparent that Sangh Ram is owner of plot No.247 measuring 50 square yards and Richpal also owned and possessed plot No.248 measuring 19 square yards. The plaintiff does not claim that he is successor in interest of Richpal Thus, case of the plaintiff does not even get support from document Ex.P2.

In view of the above, there is no ground to interfere with the concurrent findings of fact arrived at by both the courts below. The present regular second appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

01.12.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No