

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

RSA No.807 of 2018 (O&M)

Date of decision : 04.07.2018

Sahib Singh

...Appellant

Versus

Smt. Suman and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arjun Veer Sharma, Advocate for the appellant.
(Legal Aid Counsel)

ANIL KSHETARPAL, J. (ORAL)

CM No.1999-C of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 19 days in filing the present appeal is condoned.

Application is allowed.

Main Case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff by filing a suit for declaration has challenged the sale deed executed by defendant No.2-Babu Singh in favour of defendant No.1-Suman dated 12.02.2009. The plaintiff claims that he is in possession of the property for more than 12 years and, therefore, he has become owner

of the property by way of adverse possession.

Learned First Appellate Court has noticed that when the plaintiff appeared in the witness-box, he has specifically admitted that he is not in possession of the property. It is also admitted by him that the property in dispute is surrounded by a boundary wall and there is no room constructed. Thus, the property is a vacant piece of land.

Once the plaintiff has admitted in the cross-examination that he is not in possession of the property, the suit filed by the plaintiff was not maintainable. Still further, Babu Singh-defendant No.2 had purchased the property through registered sale deed dated 03.09.1973. Thereafter, he sold the land in favour of defendant No.1 vide registered sale deed dated 12.02.2009.

In these circumstances, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

04.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No