

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

RSA No.3410 of 2015 (O&M)

Date of decision: 25.03.2019

Rajender Singh and another

..... Appellants

Versus

Zile Singh (since deceased) through LRs
Dharampal and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Brijender Kaushik, Advocate
for the appellants.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Sajjan Singh, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below decreeing the suit for possession of illegally encroached area by the defendants.

Plaintiff claims that he is owner of the property comprised in plot No.59 whereas defendants are owners of property comprised in plot No.57. Thus, as regards ownership, the plaintiff does not claim any right in plot No.57 and the defendants do not claim any right in plot No.59.

Before filing of the suit, the plaintiff got the area demarcated from the revenue official and who had also reported that there was encroachment. On the basis of the aforesaid, both the Courts recorded a finding and decreed the suit filed by the plaintiff.

On 20.12.2018, keeping in view the arguments of learned counsel for the parties and the consensus arrived at, this Court directed fresh demarcation with Theodolite (Total Station Machine) which is a GPS based system. It was undertaken by the parties that once the aforesaid report comes, no one shall be entitled to raise any objection. Pursuant to the aforesaid request, a fresh demarcation has been carried out and learned counsel appearing for the State of Haryana has filed a copy of the report in which it has been found that the defendants are in unauthorized occupation of 6.5 Sq. yard. The aforesaid report dated 14.03.2019 is taken on record as Mark 'C'.

In view of the aforesaid report and as agreed upon, the appeal is disposed of.

The demarcation report shall form part of the decree. There shall be a decree for possession against the defendants to the extent of the property as found in the report dated 14.03.2019.

25.03.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No