

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

RSA No.2923 of 2017 (O&M)

Date of decision:08.01.2019

Gian Singh (now deceased) through LR Nishan Singh ... Appellant

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. G.K.Mann, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.7293-C of 2017

For the reasons stated in the application which is duly supported by an affidavit, delay of 398 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.2923 of 2017 (O&M)

The appellant-plaintiff has not been successful in a suit seeking possession and permanent injunction on the basis of the title in the suit property. It was alleged that the suit property was given to the defendants to construct the tubewell but they misused the concession and used the same for commercial purposes.

Ms. G.K.Mann, learned counsel appearing on behalf of the appellant-plaintiff submitted that umpteen number of documents i.e. Ex.P1

to Ex.P10 had been brought on record to establish the ownership.

I am afraid the aforementioned argument is not sustainable as in order to adjudicate core issue in the suit for possession, it is obligatory to establish the title which plaintiff failed to prove the same.

In view of above, there is no illegality and perversity in the concurrent findings of facts and law based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 08, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No