

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

**RSA No.3677 of 2018 (O&M)
Date of Order:13.03.2019**

Shingara Singh

..Appellant

Versus

Baljit Singh

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Arya, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing a suit for permanent injunction restraining the defendant from interfering in the peaceful possession of the plaintiff over the land measuring 2 marlas.

Plaintiff claimed that the plaintiff and his brother Piara Singh were joint owners of the land comprised in Khasra No.142 and the brother of the plaintiff gave up his right vide writing dated 08.11.1977, Ex.P2.

Defendant contested the suit and pleaded that no doubt plaintiff and his brother were joint owners of the property. However, in a family settlement, an existing house had fallen to the share of the plaintiff, whereas Piara Singh in the family settlement got 4 marlas i.e. disputed property on which construction has been raised and defendant is residing for the last 35 years. It has further been pleaded that wife of the plaintiff raised a dispute which was resolved with the intervention of the panchayat and the

defendant further paid a sum of Rs.1000/- and the resolution of the Gram Panchayat is Ex.D4.

Both the courts on appreciation of evidence have found that the plaintiff has failed to prove writing dated 08.11.1977.

On the other hand, defendant, who is son of Piara Singh has proved resolution, Ex.D4.

This court has heard learned counsel for the appellant at length and with his able assistance gone through the judgments and decrees passed by the courts below.

Although, learned counsel appearing for the appellant made sincere attempt, however, failed to point out any substantive error in appreciation of evidence or perversity in the judgments passed by the courts below. Still further, Ex,P2 is an unregistered document, which cannot be used for claiming transfer of title of an immovable property worth more than Rs.100/-. Still further, the present suit is only for injunction and the plaintiff has failed to prove his possession.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

C.M.No.9531-C of 2018

Prayer in this application is for condonation of delay of 184 days in re-filing the appeal.

For reasons mentioned in the application, which is supported by an affidavit, the delay of 184 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.9532-C of 2018

No further order is required to be passed in this application seeking condonation of delay of 670 days in filing the appeal in view of the fact that the appeal has been decided on merits.

March 13, 2019
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(ANIL KSHETARPAL)
JUDGE

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