

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

RSA No.3698 of 2018 (O&M)

Date of decision : 13.03.2019

Krishna Devi and others

...Appellants

Versus

Sunita and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Gandhi, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM No.9566-C of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 111 days in refiling the present appeal is condoned.

Application is allowed.

Main case

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing the suit filed by the plaintiffs for possession with consequential relief of declaration and permanent injunction.

The plaintiffs who are successors-in-interest of Laxmi Narain had claimed that their predecessors purchased the property through the registered sale deed dated 19.10.1987 and Satya Narain who is brother of

Laxmi Narain had sold the property without any right, title or interest.

Defendant No.1, successor-in-interest of Satya Narain has claimed the property on the basis of the registered family settlement dated 30.12.1987, according to which the property fell to the share of Satya Narain.

Both the Courts on appreciation of evidence have found that the registered family settlement has been proved on file and, therefore, the sale deed executed by Satya Narain is correct.

Although, learned counsel appearing on behalf of the appellants made sincere attempt, however, failed to point out any substantive error in appreciation of evidence and failed to point out evidence which may not have been considered. In view of the fact that the findings arrived at by both the Courts below are on proper appreciation of evidence, there is no ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

13.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No