

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.55 of 2018 (O&M)
Date of Order:13.03.2019

Harpal Singh and others

..Appellants

Versus

Bhajan Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below while decreeing a suit for permanent injunction filed by the plaintiff claiming injunction against forcible dispossession with respect to land measuring 3 bighas and 8 biswas comprised in Khewat No.422, Khatauni No.583, Khasra No.2657min.

Plaintiff has claimed that he is in possession as “Gair Marusi”.

Both the courts on appreciation of evidence have found that the plaintiff has been successful in proving his possession and defendants have failed to dislodge the claim of the plaintiff. The learned first appellate court in para 16 of the judgment has also found in the sale deed in favour of the appellants recital is with regard to delivery of possession except land comprised in khasra no.2657.

Learned counsel appearing for the appellants could not draw attention of the court to any material which may prove that the findings of

the first appellate court on the reading of the sale deed is erroneous.

Both the courts have found that in the khasra girdwaries for the years 1994 to 1998, 1998 to 2003 and 2003 to 2007, it is plaintiff who is recorded in possession as “Gair Marusi”.

In view thereof, 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.61-C-2018

In view of the fact that the appeal has been decided on merits, therefore, no further order is required to be passed in the application for condonation of delay of 847 days.

March 13, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No