

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

RSA No.5576 of 2017 (O&M)

Date of decision : 12.03.2019

Mahi Pal

...Appellant

Versus

Ram Kishan (deceased) through his LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kaushik, Advocate for the appellant.

Mr. Anil Kumar Lamdharia, Advocate and
Ms. Kavita Lamdharia, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while decreeing the suit for mandatory injunction directing the defendant-appellant to hand over the possession of the premises in which the defendant-appellant was inducted as a licensee after revocation of the licence.

The defendant claimed that he has become owner by way of adverse possession. However, the defendant has failed to prove from which date his possession became adverse. It is not disputed that the defendant is nephew of the plaintiff. It has also come in evidence that father of the defendant sold his share of the property and the property in dispute belongs

to the plaintiff.

Both the Courts on appreciation of evidence have found that the defendant has failed to prove his assertion that he has perfected his title by way of adverse possession.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

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

12.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No