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

**RSA No.1484 of 2020 (O&M)
Date of Decision: 25.08.2020**

DHARAMPAL AND OTHERS

.....Appellants

Vs

ROOP RAM AND ANOTHER

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jagjit Gill, Advocate
for the appellants.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Defendants are in Regular Second Appeal against the concurrent judgments and decrees passed by the Courts below in a suit for permanent injunction.

The plaintiff and his brothers have established their claim with regard to ownership on the strength of evidence viz. *Jamabandies* (Ex.P-1 to Ex.P-11) on record. Initially, the defendants took up the plea of purchase of the land in dispute in the year 1985, but he could not produce any document in respect thereof. No sale deed was executed. In the year 2016, a *Bahi* entry was allegedly executed in respect of the aforesaid

sale. The said *Bahi* entry has not been proved in accordance with law. The disputed property is more than of Rs.100/- and in the absence of any registered document, the title could not have been transferred in favour of the defendants.

The plea of adverse possession taken by the defendants in his second attempt cannot be accepted as the ingredients of adverse possession have not been proved on record. The alleged purchase in the year 1985 has not been carried out by any documentary evidence. There was no such writing of the year 1985. *Bahi* entry (Ex.DW-4/B) was executed only in the year 2016. No date has been mentioned as regards commencement of possession on which the same became adverse to the very knowledge by the plaintiff.

The defendants could not prove any material to show that the construction raised by them was at their instance. They could not produce any bill of construction material, nor any evidence was led to show that the construction was raised about 12 years back. Both the Courts below have found by way of appreciation of evidence that the defendants have miserably failed to prove their case.

The *Bahi* entry was executed by one Amin Lal, whereas two other brothers were also owners of the plot. He alone was not competent to sell the same. His thumb impressions too have

not been proved to establish that in fact, the same was thumb marked by him.

Taking into consideration the concurrent findings of facts recorded by the Courts below, I do not find any law point much less substantial question of law involved in the present appeal. The impugned judgments and decrees are the result of appreciation of evidence. Consequently, the appeal is found to be totally devoid of merits and the same is accordingly dismissed.

August 25, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No