

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

RSA-2066-2013 (O&M)

Date of decision : 24.02.2020

Gobind Kumar @ Gobinda

...Appellant

Versus

Ravinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tribhawan Singla, Advocate for the appellant.

Mr. Rahul Rampal, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

CM-5523-C-2013

For the reasons stated in the application, which is duly supported by an affidavit, delay of 13 days in refiling the present appeal is condoned.

Application is allowed.

Main case

The defendant-appellant has filed the present Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below while decreeing the suit for possession filed by the plaintiff against the defendant.

The defendant-appellant claimed right in the property on the basis of the sale deed dated 25.03.2004 registered on 31.03.2004 executed by the plaintiff in favour of the defendant.

It is the case of the plaintiff that the defendant after having purchased a different plot, has taken over the possession of other property.

Both the Courts, on appreciation of evidence, have found that the defendant is only entitled to the plot which has been purchased by him vide sale deed dated 25.03.2004.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below and the record.

The plaintiff has purchased the plot with specific dimensions alongwith the detail of owners of the properties surrounding the plot in question. Thus, the plot purchased by the defendant is identified not only by dimensions but with detail of properties of the owners of the surrounding properties. Thus, the defendant has no right over the plot which has not been purchased by him. Still further, learned counsel appearing on behalf of the respondent has provided an attested copy of the judgment passed by the Civil Judge (Senior Division), Barnala dated 13.11.2017 in Civil Suit No.703 of 18.10.2012 in a suit filed by the defendant-appellant for delivery of possession of the plot purchased by him vide sale deed dated 25.03.2004.

Keeping in view the aforesaid fact, the defendant-appellant

has no right, title or interest over the suit property. The defendant derives title only on the basis of the sale deed which is with respect to the other plot and not with respect to the suit land. Hence, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

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

24.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No