

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

RSA-5282-2017(O&M)

Date of decision: 14.01.2020

Tarsem Lal

.....Appellant

Versus

Chhibila and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Vijay Lakshmi, Advocate for the appellant

Mr. Inder Singh, Advocate for respondents

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in Regular Second Appeal against concurrent finding of fact arrived at by the Courts below, dismissing the suit for grant of decree of permanent injunction to restrain the respondents from encroaching upon the suit property and interfering into the peaceful possession of the plaintiff.

Plaintiff claims that land comprised in khewat no.1197, khatoni no. 2082, khasra no. 1216 is owned by him and he has constructed a house consisting of two rooms, kitchen, open courtyard thereon. Defendants be restrained from interfering in his peaceful possession. Defendant No. 1 to 3 contested the suit claiming that their father Jai Ram was owner of the land comprised in khewat no. 1231 khatoni no. 2098 khasra no. 1221 and they are in continuous possession thereof. It was claimed that their father had built a house, which fell down, due to floods and when the defendants were planning to re-construct/repair it, present suit was filed.

Keeping in view the controversy involved, learned Trial Court appointed a Local Commissioner, a revenue official to go and demarcate the area. Field Kanoongo submitted a report dated 4.12.2010 informing the Court that $\frac{1}{2}$ portion of the land comprised in khasra no. 1216 is lying vacant whereas western part thereof is in possession of Rajinder @ Lalu s/o Parkash. Whereas land comprised in khasra no. 1221 was found in possession of Jagdish s/o Mangu Ram.

Keeping in view the aforesaid report, both the Courts recorded a finding that the plaintiff has failed to prove his established peaceful possession.

Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the Court to any substantive error in reading or misreading of evidence.

Keeping in view the aforesaid facts, there is no ground to interfere. Hence, dismissed.

In view of dismissal of the appeal on merits, no further orders are required to be passed on the application for condonation of delay.

14.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No