

RSA-4809-2018(O&M) 1

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

**RSA-4809-2018(O&M)
Date of decision: 16.01.2020**

Sh. Vinod Yadav

.....Appellant

Versus

Sh.Rajesh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Ajay Kalra, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below, while decreeing the suit for mandatory injunction filed by respondent-plaintiff for delivery of possession of a portion of a house. Plaintiff and defendant are brothers. Plaintiff filed a suit claiming that he is owner of the suit property pursuant to a registered gift deed executed by his father on 8.1.2005 Ex.P-2. The aforesaid gift deed has been proved on file by examining attesting witness-Yogesh Kumar. It was claimed that the plaintiff had permitted the defendant to reside in two rooms, as a licensee, being brother. However, since the defendant started disputing the title, therefore, licence in his favour was terminated in 2011. Defendant contested the suit and pleaded that the property in dispute was purchased by Late Sh. Kanwar Singh from joint Hindu family funds and the gift deed is a bogus document.

Both the Courts on appreciation of evidence have found that defendant has failed to prove the fact that either the property was purchased from joint Hindu family funds or the gift deed is illegal.

Learned counsel for the appellant, although, made sincere attempts, however, failed to draw attention of the Court to non-reading or mis-reading of evidence. He also failed to point out any perversity in the judgments passed. In view thereof, no ground to interfere is made out.

Hence, dismissed.

However, Delay of 115 days in re-filing and 16 days in filing is condoned for the reasons stated in the applications. CM-12996-C-2018 and CM-12997-C-2018 stands allowed.

16.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No