

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

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**CM No. 15305-C of 2018 in/and
RSA No. 5548 of 2018
Date of decision : 28.1.2020**

Dharambir

.....Appellant

Vs.

Ram Chander

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Aman Bansal, Advocate, for the appellant

Rajbir Sehrawat, J. (Oral)

CM No. 15305-C of 2018 :

This is an application for condonation of 30 days delay in re-filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 30 days in re-filing the present appeal is condoned.

Main Case :

This second appeal has been filed challenging the concurrent judgments and decrees passed by the Courts below, whereby the suit seeking possession of the suit property; filed by the plaintiff/appellant; has been dismissed.

A bare perusal of the judgments passed by the Courts below show that the appellant has not been able to prove his title by leading any cogent documentary evidence on record. Although, the plaintiff/appellant had claimed the ownership through a decree passed in Civil Suit No. 61 dated 10.6.1964, which was decided on 30.4.1965, however, even the said judgment and decree has not been proved on record. Although, the plaintiff had also claimed

existence of a Khatoni showing the title of the plaintiff over the suit property, however, even the said Khatoni has not been proved on file by examining any revenue official. Hence, the title claimed by the appellant remains totally unsubstantiated; as per the record.

So far as the possession is concerned, the defendant/respondent has relied upon a judgment and decree Ex.D-7, which was based, inter alia, on admission of only the present appellant; to the effect that the plaintiff in that suit was in possession of the suit property. Hence, even the possession of the suit property is also shown to be with defendant/respondent and the same is supported by a decree passed by the lower Appellate Court.

In view of the above, this Court does not find any illegality or perversity with the judgments and decrees passed by the Courts below.

Hence, finding no merit in the present appeal, the same is dismissed.

**(RAJBIR SEHRAWAT)
JUDGE**

28.1.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No