

**RSA-5922-2018(O&M)
and connected case**

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

1.RSA-5922-2018(O&M)

Karan Singh and others

.....Appellants

Versus

Smt. Hem Kaur

.....Respondent

2.RSA-5929-2018(O&M)

Karan Singh and others

.....Appellants

Versus

Smt. Hem Kaur

.....Respondent

Date of decision: 03.03.2020

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K.Sharma, Advocate for the appellants

**Mr. Satpal Bhasin, Advocate for
Mr. Harkesh Manuja, Advocate for the respondent**

ANIL KSHETARPAL, J. (ORAL)

**By this judgment two Regular Second Appeals i.e 5922 and
5929-2018 shall stand disposed of.**

**The issue which arises for consideration is common. Parties
as well as their counsels are same.**

**Plaintiff-respondent Hem Kaur admittedly purchased land
measuring 212 sq. yards from defendant no.1-Karan Singh (appellant
no.1 herein). Karan Singh-appellant was owner of land measuring 302.5**

sq. yards on the basis of sale deed in the year 1979. After sale of 212 sq. yards land to the plaintiff, defendants were left with an area only 90 sq. yards. During the pendency of the appeal, a revenue official was appointed, who after demarcation, has reported that defendants-appellants are in possession of an excess area i.e measuring 117 sq. yards in total. It has been found that plaintiff is also in possession of an excess area than what has been purchased by him but that excess area is from other direction being a part of public property. The Naib Tehsildar has carried out demarcation as per directions issued by the Appellate court. Objections against the aforesaid report filed by the appellant were dismissed. It has also come on record that previously also a demarcation was carried out and defendants were found in excess possession thereof.

Keeping in view the aforesaid facts, there is no ground to interfere with the judgment of the learned First Appellate Court.

Hence, both the appeals stand dismissed.

03.03.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No