

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

106

RSA-903-2018 (O&M)

Date of decision: 26.02.2020

SANTOSH RANI (DECEASED) THR LRS

... Appellant

Versus

RAJAN SETIA AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. CM Munjal, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

CM No.2389-C of 2020

Heard.

Allowed as prayed for subject to just exceptions.

Without going into validity or otherwise of the Will set up by the alleged legal heirs, persons mentioned in para 2 of the application are allowed to be brought on record as legal representatives of appellant-Santosh Rani (since deceased) for the purpose of present *lis*.

Amended memo of parties is taken on record.

Disposed of.

Main Case

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby claim of the appellant in respect of 10 tahli trees stated to be standing in land of the appellant comprised in khasra numbers, detailed in para 1 of the judgment of trial Court, has been rejected.

Perusal of the judgments would reveal that parties are adjoining land owners and tahli trees are stated to be standing near boundary of the field of appellant/plaintiff. The appellant did not get the land demarcated to prove that the trees are standing in the land owned by her. On the contrary, the respondents besides leading oral evidence have produced two demarcation reports dated 31.10.2007 and 28.11.2009 to establish their plea that tahli trees in dispute are standing in land owned by them.

Counsel for the appellant has failed to point out that consistent

findings recorded by the Courts are not based upon correct appreciation of record or any material has escaped notice of the Courts that has strong bearing qua decision of the case on merits. In this view of the matter, there is no justifiable reason to intervene.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

26.02.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No