

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

101

R.S.A. No.4372 of 2019 (O&M)

Date of Decision:- 08.11.2021

Lalit Soni and another

....Appellants

VS.

Mahabir Parsad

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sukhvir Singh Sahu, Advocate,
for the applicant-appellants.

Sudhir Mittal, J. (Oral)

C.M.No.14622-C of 2019

This application has been filed for advancing the date of hearing in the main case as allegedly execution application has been filed.

Since the main case is listed today, the application has been rendered infructuous and is disposed of as such.

R.S.A. No. 4372 of 2019

This appeal arises out of a suit for possession and permanent injunction filed by respondent-plaintiff.

The case of the respondent-plaintiff is that the suit property is owned by him. Title is asserted on the basis of registered sale deed dated 09.03.1992. The property is a house-cum-shop and the construction is depicted in the site plan attached with the sale deed. The defendants-appellants have encroached thereupon and thus, he is entitled to possession along with the relief of consequential injunction.

The suit has been decreed by the trial Court and appeal there-against has been dismissed. The Courts below have concurrently found that sale deed dated

09.03.1992 (Exhibit P-1) on the record has been proven in accordance with law and that the site plan attached therewith identifies the suit property. The plea of the defendants-appellants that they are the owners thereof on the basis of an earlier sale deed has been rejected by finding that the sale deed set up by the defendants-appellants does not pertain to the suit property. In fact, it proves the allegations of the plaintiff-respondent. The pleading regarding long possession is of no consequence as adverse possession has not been pleaded.

Learned counsel for the appellant was repeatedly asked to show that the aforementioned findings are perverse. However, he has failed to do the same. He has only reiterated the case of the defendants-appellants on facts and, thus, the appeal is not entitled to succeed.

Accordingly, the appeal being without any merit is dismissed.

November 08, 2021
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**