

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

RSA-1632-2020 (O&M)

Date of decision : May 31, 2022

Kamlesh

..... Appellant

Versus

Satpal and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Jasmer Singh, Advocate for
Mr. Ravi Chadda, Advocate
for the appellant.

ANIL KSHETARPAL J. (ORAL)

While assailing the concurrent findings of facts arrived at by the Courts below, the plaintiff has filed the present appeal along with an application seeking condonation of delay of 1237 days in filing the appeal.

This Court has heard learned counsel representing the appellant on the merits of the appeal. The appellant filed a suit claiming to be owner in possession of the property. In alternate, she prayed for restoration of the possession. It is her case that there was some compromise between Sh. Madan Singh (her husband) and defendant No.1 Sh. Satpal, which resulted into execution of sale deed dated 17.04.2006. Defendant contested the suit while asserting that the plaintiff is neither owner nor in possession of the property. It is claimed that Sh. Satpal was never owner of the property. Both the Courts below have found that the plaintiff has failed to prove her title as well as possession.

It has come on record that in a previous suit in which her husband Sh. Madan singh was party, the Court has held that the family of the plaintiff is not in possession. The plot in question is a plain piece of land.

Learned counsel representing the appellant contends that the appeal filed by the husband of the appellant is pending. He submits that the present appeal be heard with the same.

This appeal has arisen from an independent suit filed by the plaintiff in which separate evidence was led. Hence, this appeal is required to be decided independently.

Learned counsel representing the appellant failed to draw the attention of the Court to any substantive evidence or material irregularity in the impugned judgments. Hence, no ground to interfere in the same is made out.

Dismissed.

Since the appeal has been decided on merits, therefore, no order on the application for condonation of delay is required to be passed.

(ANIL KSHETARPAL)
JUDGE

May 31, 2022

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No