

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

RSA-733-2019 (O&M)

Date of decision: 02.05.2022

Dilbag Singh

....Appellant

Versus

Nawab Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Kaile, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of fact arrived at by the courts below, the defendant has filed this Regular Second Appeal. The plaintiff claimed that he is an owner of the plot comprised in Rectangle no.41, khasra no.6/2, which has been encroached upon by the defendant. After getting the land demarcated from the revenue authorities on 18.04.2008, the plaintiff filed the present suit. Defendant admitted that the plaintiff is owner of the plot, however, claimed that there is no encroachment. The demarcation report was proved by examining the concerned revenue official. During the pendency of the suit, demarcation was also got carried out from Sh. Ram Swaroop, Local Commissioner, once again. In the aforesaid demarcation, the defendant was found to have encroached upon some part of the plot of the plaintiff one more time. Thus, both the courts have granted decree for possession with respect to the encroached portion. The learned counsel representing the appellant contends that Smt. Sudesh has not been impleaded as a party with whom the defendant had exchanged the property. Smt. Sudesh is wife of the appellant.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

02.05.2022
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No