

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

RSA-28-2020 (O&M)

Date of decision: 04.05.2022

Balbir Singh (since deceased) through his Legal heir

....Appellant

Versus

Bhalle Ram (since deceased) through his legal heirs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

CM-59-C-2020

For the reasons stated in the application, delay of 71 days in filing the appeal is hereby condoned.

CM stands allowed.

Main case

While assailing the concurrent findings of fact arrived at by the courts below, the plaintiff through his legal representative has filed the present appeal. His suit for grant of decree of permanent injunction has been dismissed by both the courts below. The plaintiff claims that his wife purchased the property. The defendants contested the suit claiming that they are residing in the suit property after constructing a house. When the plaintiff appeared in evidence, he admitted that the suit property is a residential house. Both the courts have found that the plaintiff has failed to prove his possession. In fact, it has been found that

the defendants are in possession of the property. Furthermore, the plaintiff is stated to have purchased a plain land whereas it has come in evidence that the property in dispute is a constructed house for quite some time.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

04.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE