

CM-5654-C-2023 ;
CM-5656-C-2023 in/and
RSA-1546-2023

2023:PHHC:074018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CM-5654-C-2023 ;
CM-5656-C-2023 in/and
RSA-1546-2023
Date of Decision : 22.05.2023

Krishan since deceased through his L.Rs.

...Appellants

Versus

Dalel and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Singh Bairagi, Advocate for the appellants.

Harsimran Singh Sethi J. (Oral)

CM-5654-C-2023

Present application has been filed seeking condonation of
delay of 83 days in filing the appeal.

Keeping in view the averments made in the application,
which are duly supported by an affidavit, the same is allowed and delay
of 83 days in filing the appeal is condoned.

RSA-1546-2023

1. The present regular second appeal has been filed against the

concurrent findings recorded by the courts below while passing the impugned orders dated 28.03.2018 and 04.11.2022.

2. Learned counsel for the appellants argues that the findings recorded by the courts below are perverse to the evidence and the facts on record and are liable to be set-aside.

3. On being asked to support the said argument, learned counsel has not been able to point out even a single perversity in the findings recorded by the courts below.

4. The only assertion is that the appellants are in the possession of the land in question since long. It may be noticed that it has already come on record by way of evidence more than once that the appellants are the encroachers upon the land in question and the respondent-plaintiff has already proved his ownership of the land in question on the basis of the revenue record as well as the gift deed of the land in question in their favour.

5. Learned counsel for the appellants has not been able to rebut the said findings that the gift deed of the land in question is in favour of the respondent-plaintiff as well as the fact that the findings have already been recorded against the appellants that they are the encroachers upon the land in question.

6. Keeping in view the above said fact, which has gone un-rebutted, especially that no perversity could be pointed out by the learned

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counsel for the appellants in the judgments impugned, no interference is called for by this Court in the present regular second appeal.

7. Dismissed.

CM-5656-C-2023

As the main appeal is dismissed, the present application also stands dismissed.

May 22, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No