

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

RSA No.111 of 2020(O&M)
Date of Order:19.09.2023

GURNAM SINGH

.Petitioner

Versus

SUMER CHAND (DECEASED) THROUGH LRS AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Verma, Advocate,
Ms. Divyangna, Advocate,
for the appellant.

ANIL KSHETARPAL, J

CM Nos-302-03-C-2020

1. For the reasons mentioned in these applications, which are supported by an affidavits, the delay of 724 days in re-filing and 25 days in filing the appeal is condoned.

2. CM stands disposed of.

MAIN

3. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the defendant in this regular second appeal.

4. The plaintiffs' suit for grant of decree of permanent injunction claiming to be owner in possession of the property has been decreed. It has come on record that late Sh. Kishan, predecessor-in-interest of the parties suffered a consent decree in favour of plaintiff nos.2 and 3.

5. The courts have found that the plaintiffs are in possession of the property and the defendant has no right, title or interest in the property.

6. The learned counsel representing the appellant admits that the appellant's suit to challenge the correctness of the decree dated 30.04.2005 has been dismissed by the court of first instance on 21.11.2012, however, the appeal is pending.

7. Be that as it may.

8. Before the court of first instance, the defendant has failed to prove his right, title or interest in the property.

9. Keeping in view the aforesaid facts, no ground to interfere is made with the concurrent findings of fact arrived at by the courts below.

10. Dismissed.

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

September 19, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO