

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

126(2)

2023:PHHC:143450

RSA-620-2013

Date of decision: 09.11.2023

SADHU SINGH

..Appellant

Versus

**UDASI DHARAMSHALA/ UDASI DERA
THROUGH ITS MAHANT RANBIR DASS**

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sarika Gupta, Advocate for the appellant.

Mr. H.K. Aurora, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the defendant. The religious institution i.e. Udasi Dharamshala/Udasi Dera filed a suit for possession against the appellant. While contesting the suit, the defendant (appellant herein) claimed that the suit property is owned by his father-in-law i.e. Sh. Keshva Nand. Both the Courts on appreciation of evidence have found that as per the revenue record, the suit property is owned by the Udasi Dharamshala/Udasi Dera and not by Sh. Keshva Nand.

2. The learned counsel representing the appellant contends that the suit was filed by the religious institution through Mahant Ranbir Dass but he had no authority to file the suit. She further submits that the appellant has perfected his title by way of adverse possession.

3. On a Court question, she fairly admits that before the Courts below, the appellant has not pressed the aforesaid issues. While hearing the regular second appeal, the Court is not expected to permit the defendant to take up a new plea, which was never pressed before the Courts below. The

learned counsel representing the appellant failed to draw the attention of the Court to any error in the judgments passed by the Courts below.

4. The learned counsel representing the appellant did not raise any other arguments.

5. Keeping in view the aforesaid facts and discussion, the appeal is dismissed.

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

November 09th, 2023

(ANIL KSHETARPAL)
JUDGE

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