

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

105

CM-16469-C-2019 in/&
RSA-5749-2019 (O&M)
Date of Decision :24.05.2023

Baldev Singh @ Gurdev Singh**...Appellant**

Versus

Tejinder Singh**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Yagsimant Attri, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

Present regular second appeal has been filed against the concurrent findings recorded by the Courts below by which, the suit filed by the appellant-plaintiff has been dismissed.

It may be noticed that the suit was filed under Section 6 of the Specific Relief Act for the possession of the house measuring 03 kanals in which two rooms, kitchen, varandha, toilet, bathroom and 150 eucalyptus trees were shown. Both the Courts below came to the conclusion that the property, which was being claimed by the appellant-plaintiff did not had the description, which was even mentioned in the suit and further that the appellant-plaintiff failed to prove that he was in possession of the said property and was dispossessed from the same.

On being asked to point out any perversity in the findings recorded by the Courts below, learned counsel for the appellant-plaintiff has

not been able to point out any perversity in the findings of the Courts below from the facts or evidence, which had already come on record. Rather learned counsel for the appellant-plaintiff concedes the fact that at the site there does not exist the accommodation as being claimed by the appellant-plaintiff keeping in view the evidence which has come on record. This fact clearly go to show that claim raised by the appellant-plaintiff was contrary to the facts proved.

In the absence of any perversity being pointed out to this Court in the findings recorded by the Courts below, no interference is called for by this Court and the present regular second appeal is accordingly dismissed.

CM-16469-C-2019

Application is also dismissed.

May 24, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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