

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

RSA-2246-2025 (O&M)

Date of decision: 24.03.2026

Lal Chand Sharma**...Appellant**

Versus

Gulshan Vir Singh**...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Kamal Joshi, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)**CM-3992-C of 2026 :**

Allowed. Annexures P-14 & P-15 are taken on record.

Main Case :

The present Regular Second Appeal has been preferred by the appellant–defendant assailing the concurrent findings recorded by both the Courts below, whereby the suit filed by respondent–plaintiff for permanent injunction has been decreed on 30.10.2024, and the appeal preferred by the appellant has been dismissed on 14.02.2025.

2. The factual matrix, in brief, is that the respondent–plaintiff instituted a suit for permanent injunction pleading that he is owner in possession of a residential plot measuring 4 biswas comprised in khasra No.98, situated at Village Dharampur, Tehsil Kalka, District Panchkula, having purchased the same vide registered sale deed dated 03.01.2006, followed by mutation sanctioned in his favour. It was further averred that he had raised construction over the suit property and was in settled possession thereof, but the appellant–defendant, who is a stranger to the property, started interfering in his peaceful possession, thereby necessitating the filing of the suit.



3. The suit was contested by the appellant–defendant, who set up a rival claim by asserting that his wife was owner in possession of land measuring 4 biswas comprised in khasra No.100, purchased vide sale deed dated 11.12.1996, and that the construction and boundary wall existing at the site had been raised by him and his wife. It was further pleaded that the plaintiff was attempting to encroach upon their property under the guise of the present suit.

4. On the basis of the pleadings, the learned Trial Court framed the necessary issues and, after appreciation of oral as well as documentary evidence, decreed the suit of the plaintiff. The Trial Court, relying upon the demarcation report submitted by the Local Commissioner, held that the suit property falls in khasra No.98 and not in khasra No.100, as claimed by the defendant, and consequently restrained the defendant from interfering in the possession of the plaintiff.

5. Aggrieved against the said judgment and decree, the appellant–defendant preferred an appeal, which also came to be dismissed by the learned First Appellate Court.

6. The Appellate Court, upon re-appraisal of the entire evidence, affirmed the findings of the Trial Court and held that the demarcation conducted through DGPS method clearly established that the suit property is comprised in khasra No.98 (and partly in khasra No.99), whereas the appellant claims ownership over khasra No.100, thereby having no concern with the suit property. The Appellate Court further held that the demarcation report could not be discarded merely on the ground that it was conducted through DGPS method, especially in view of judicial recognition of such method.

7. Assailing the concurrent findings, learned counsel for the appellant has contended that both the Courts below have misread and mis-appreciated the evidence on record. It is argued that the demarcation report relied upon by the Courts below is not reliable as the same was



conducted through DGPS method, which according to the appellant, is not in accordance with the prescribed procedure. It is further contended that, in fact, some other property was demarcated instead of the suit property. It is also contended that the evidence led by the appellant regarding possession and construction has not been properly appreciated.

8. Having heard learned counsel for the appellant and perused the record, this Court finds that no substantial question of law arises for consideration.

9. The principal controversy revolves around identification of the suit property. Both the Courts below have concurrently relied upon the demarcation report submitted by the Local Commissioner, which has clearly established that the suit property falls in khasra No.98 and not in khasra No.100. The said finding is based on appreciation of evidence and does not suffer from perversity.

10. The contention of the appellant that the demarcation conducted through DGPS method is unreliable has already been considered and rightly rejected by the First Appellate Court by placing reliance upon judicial precedents recognizing such method of demarcation, particularly in situations, where traditional reference points are not available.

11. As regards the further contention that some other property was demarcated instead of the suit property, the same is found to be wholly untenable. The record reveals that the Local Commissioner conducted the demarcation in the presence of both the parties at the spot. No contemporaneous objection has been shown to have been raised by the appellant at the time of demarcation regarding identification of the property. Once the parties/counsels were present during the demarcation proceedings and participated therein, it does not lie in the mouth of the appellant to subsequently contend that an altogether different property was demarcated. Such a plea is clearly an afterthought and deserve to be outrightly rejected.



12. Moreover, the demarcation report is based on revenue records and reference points, and there is nothing on record to show that the Local Commissioner exceeded his mandate or demarcated any property other than the one in dispute.

13. Further, once it stands established that the appellant claims ownership over khasra No.100, whereas the suit property falls in khasra No.98 (and partly in khasra No.99), the appellant has no right, title or interest in the suit property so as to interfere in the possession of the plaintiff.

14. The findings recorded by both the Courts below are pure findings of fact based on proper appreciation of evidence and settled principles of law. The present appeal essentially seeks reappraisal of evidence, which is impermissible within the limited scope of jurisdiction under Section 100 CPC. No substantial question of law arises for consideration.

15. Consequently, the present Regular Second Appeal is dismissed, being devoid of merit. No order as to costs.

24.03.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

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