



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-581-C-2020; CM-580-C-2020;
CM-582-C-2020 in/and RSA-231-2020
Date of Decision.:03.03.2025

Ajit Singh and Another

.....Appellants

Vs.

Gurcharan Singh and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raghav Soni, Advocate for
Mr. Amandeep Singh, Advocate
for the appellants.

DEEPAK GUPTA, J. (ORAL)

CM-581-C-2020:

This is an application under Section 5 of the Limitation Act to condone the delay of 10 days in filing the appeal.

2. For the reasons mentioned in the application, delay of 10 days in filing the appeal is condoned.

3. Application stands disposed of accordingly.

CM-580-C-2020:

4. This is an application under Section 151 of CPC to condone the delay of 113 days in re-filing the appeal.

5. For the reasons mentioned in the application, delay of 113 days in re-filing the appeal is condoned.

6. Application stands disposed of accordingly.

Main case.:



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7. This is defendants appeal against the concurrent findings of the Courts below. Suit for possession regarding property in dispute filed by plaintiffs Gurcharan Singh and others (*respondents herein*) was decreed by the trial Court on 23.05.2017. In the appeal filed by the defendants-appellants, the Appellate Court endorsed the findings of the trial Court vide judgment dated 19.12.2018.

8. Assailing the aforesaid concurrent findings, it is contended by learned counsel that Courts below have not appreciated the evidence in right perspective, as possession of defendant has been admitted by one of the witnesses of the plaintiffs.

9. Perusal of the paper-book would reveal that plaintiffs claimed to be exclusive owner in possession of the suit land and that defendants did not have any right, title or interest therein. Defendants took the plea of adverse possession. While appreciating the evidence produced on record, the Appellate Court found that the revenue record in the shape of jamabandi, Khasra Girdawari, Fard Haqiat (Ex.P1 to P3) reflected the possession of the plaintiff on the suit land. Name of the defendant was nowhere found in the revenue record. The Courts further found that defendant failed to plead necessary ingredients for setting up the plea of adverse possession. Still further, it was found that stray admission made by witness of the plaintiff was clearly contrary to the revenue record and that statement of the witness was required to be read as a whole. The Courts below gave firm findings to the effect that it is the plaintiff, who was in possession of the suit land.

10. After going through the findings, which are found to be based upon proper appreciation of evidence, this Court does not find any ground to interfere in the same. There is no scope calling for any interference as



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the findings are neither perverse nor illegal.

11. As such, holding the present appeal to be devoid of any merits, same is hereby dismissed.

Pending application(s), if any, also stands disposed of.

**(DEEPAK GUPTA)
JUDGE**

March 03, 2025

Neetika Tuteja

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable | Yes/No |