

**108 IN THE HIGH OF PUNJAB AND HARYANA AT CHANDIGARH****RSA No.665 of 2023 (O&M)****Date of Decision : September 16, 2025****Mahesh Sharma and another****. . . . Appellants**

Vs.

Swarna Devi and another**. . . . Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Surinder Mohan Sharma, Advocate for the appellants.**DEEPAK GUPTA, J.**

Defendants of the case are in this appeal against concurrent findings of the Courts below, inasmuch as suit for permanent and mandatory injunction regarding property in dispute filed by plaintiff – Smt. Swarna Devi (*respondent No.1 herein*) was decreed by the trial Court on 15.07.2017 and the appeal filed by the defendants-appellants was dismissed by the First Appellate Court on 28.10.2022, thus affirming the findings of the trial Court.

2. The dispute pertains to a property shown by letters 'ABCD' in the site plan (*Ex.P3*) relied upon by the plaintiff, which has been placed on record by the appellants before this Court as Annexure A-2. The case of the plaintiff was that said disputed property is a *gali*, which exists on the eastern side of her plot between her plot and the plot of the defendants. It was further pleaded that defendants had constructed their house with front portion abutting the metalled road and had constructed a boundary wall 'BC' on the back side of their plot. However, now by demolishing the said wall 'BC', defendants were bent upon to include the disputed property in their plot. In order to prevent the defendants from doing so, the present suit was filed.

3. Defendants claimed the suit property to be part of their plot.

4. The Courts below, on appreciation of evidence found that sale deed (*Ex.P4*), whereby the plaintiff had purchased her property clearly reflected existence of a street on the eastern side of her plot. Defendant – Renu Bala claimed to have purchased the disputed property by virtue of sale deed dated 18.02.2009, but the said defendant – Renu Bala did not appear in the witness box nor examined her vendor. The Courts below further found that though the site plan (*Ex.P3*) relied by the plaintiff was duly proved on record, but the site plan (*Ex.D2*) on which the defendants wanted to rely, was not even signed by them nor Anil Kumar, the draftsman who had prepared the site plan was examined by them.

5. In view of the aforesaid circumstances, the Courts below did not commit any error in coming to the conclusion that the disputed property was in fact a *gali* separating the properties of two parties and as such, the trial Court has rightly decreed the suit of the plaintiff and the First Appellate Court, on re-appreciation of evidence, has rightly dismissed the appeal.

6. This Court does not find any ground to disturb the concurrent findings of facts recorded by both the Courts below, which are based upon proper appreciation of evidence on record. As such, finding the present appeal to be devoid of any merit, the same is hereby dismissed.

September 16, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No