

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

124

RSA-212-2022 (O&M)

Date of Decision: 25.03.2025

BAGICHA SINGH

.....Appellant

Vs

DILBAGH SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Mahar Singh Dhami, Advocate for the appellant.

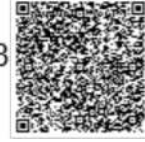
DEEPAK GUPTA, J.

Defendant of the case is before this Court against concurrent findings of the Courts below. Suit for possession regarding property in dispute measuring 12 marla shown by letters ABCD in the site plan attached and as per details given in headnote of the plaint, filed by the plaintiff-Dilbagh Singh (*respondent herein*) was decreed by the trial Court vide judgment dated 09.09.2017. Appeal filed by the defendant (*appellant herein*) was dismissed by the First Appellate Court on 04.08.2021.

2. Assailing the aforesaid concurrent findings, it is contended by learned counsel that Courts below have failed to appreciate the evidence in right perspective.

3. Having considered submission of learned counsel for the appellant and after going through paper book, this Court does not find any merit in the contention.

4. Suit of the plaintiff-respondent for seeking possession of the suit property is based upon title, inasmuch as he had purchased the suit property vide conveyance deed dated 24.03.1973 (Ex.P-1). It was found by the Courts below that specific boundaries along with measurements were duly mentioned in the said conveyance deed. Defendant had opposed the claim on the ground that suit property had been given to him in a family partition. However, it was



found by the Courts below that no such family partition, as alleged by the defendant-appellant was produced or proved on file. Even, the witness examined by the defendant namely DW-2 Harpinder Singh admitted that suit property was purchased by the plaintiff.

5. In the aforesaid facts and circumstances, when plaintiff-respondent is proved to be title-holder of the suit property based upon conveyance deed dated 24.03.1973 (Ex.P-1) in his favour, and defendant-appellant failed to prove the stand put forth by him, this Court does not find any ground to disturb the well-reasoned concurrent findings of the facts as recorded by the Courts below, which are found to be based upon proper appreciation of evidence.

6. In the absence of illegality or perversity in the aforesaid concurrent findings, no interference is called for.

Dismissed.

25.03.2025

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Whether speaking/reasoned : Yes
Whether reportable : No

(DEEPAK GUPTA)

JUDGE