



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1535 of 2023 (O&M)

Date of Order:24.01.2025

Ram Karan Singh

.Appellant

Versus

Kiran Bai

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Sheoran, Advocate
for the appellant.

ANIL KSHETARPAL, JUDGE (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below while dismissing the plaintiff's suit for grant of decree of declaration and permanent injunction is assailed in this appeal.
2. The plaintiff came to the court alleging that he is owner to the extent of 5/6th share in 16 marlas land comprised in khasra no.719/1, whereas the defendant is owner of 1/6th share.
3. The defendant contested the suit on the ground that there was mutual partition and 11 feet wide path was left. There were two gift deeds dated 21.06.2004 and 21.07.2004, executed by Sharda and Santosh. Thus, the defendant is owner in possession of 4.5 marlas along with right to use the path.
4. Upon appreciation of the evidence, both the courts dismissed the plaintiff's suit, however, recorded a finding that the suit property has already been mutually partitioned.
5. The learned counsel representing the appellant though made



sincere attempt, however, failed to draw the attention of the court to any material misreading of evidence or perversity in the judgment.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

January 24, 2025

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