

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**RSA No. 558 of 2015**  
**Reserved on: 08.09.2026**  
**Date of decision: 15.09.2026**

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Roshan Lal (deceased) through LRs

...Appellants

Versus

Rita Devi

...Respondent

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*Coram:*

***The Hon'ble Mr. Justice Romesh Verma, Judge.***  
***Whether approved for reporting?<sup>1</sup>***

For the appellants : Mr. Ashok K. Tyagi, Advocate.

For the respondent : Ms. Vaishali Lakhanpal, Advocate, vice  
Mr. Ramakant Sharma, Advocate.

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**Romesh Verma, Judge:**

The present regular second appeal arises out of the judgment and decree passed by the learned District Judge, Hamirpur, dated 25.07.2015, whereby the appeal filed by the defendant was dismissed and the findings returned by the learned Civil Judge (Senior Division), Hamirpur, dated 30.04.2013, decreeing the suit filed by the plaintiff-respondent, were affirmed.

2. The facts as emerge in the present case are that the respondent-plaintiff filed a suit for permanent prohibitory injunction and in the alternative, for possession with respect to the suit land comprised in Khata No. 102/1, Khatauni No. 102/1, Khasra No. 813, measuring 2 Kanals, Jamai in mal 0.18 paise, situated in Village

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<sup>1</sup> **Whether reporters of Local Papers may be allowed to see the judgment?**



Chahar, Tappa Ugiyalta, Post Office Touni Devi, Tehsil and District Hamirpur, shown under the joint ownership and possession of the plaintiff along with other co-sharers.

3. As per the case set up by the plaintiff, the defendant is a stranger to the suit land and has got no right, title or interest over the same. The defendant is a quarrelsome person having no regard for the law. Since 30.08.2007, he started cutting grass forcibly and illegally from the suit land along the boundary line despite strong protest and since then he has been hurling regular threats to change the nature of the suit land by digging and raising construction thereon.

4. It was further averred by the plaintiff that in the event of defendant being found in illegal possession of the suit land by raising construction or otherwise, the plaintiff is entitled to a decree of possession by way of demolition or otherwise, as the case may be. Therefore, the plaintiff filed the suit for permanent prohibitory injunction restraining the defendant from cutting grass, digging, changing the nature of the suit land in any manner and raising any kind of construction over any part of the land comprised in Khata No. 102/1, Khatauni No. 102/1, Khasra No. 813, measuring 2 Kanals, Jamai in Mal 0.18 paise, situated in Village Chahar, Tappa Ugiyalta, Post Office Touni Devi, Tehsil and District Hamirpur. In the alternative, it was prayed that in case the defendant succeeded in encroaching upon any



portion of the suit land, a decree for possession by way of demolition be passed in favour of the plaintiff and against the defendant.

5. The suit instituted by the plaintiff was resisted by the defendant by filing written statement, wherein preliminary objections with respect to maintainability, jurisdiction, non-joinder of necessary parties and costs were raised. On merits, all the averments made in the plaint were specifically refuted and denied. As per the case set up by the defendant, there is a boundary dispute qua Khasra Nos. 813 and 935/810, on which permanent marks were fixed by the competent revenue officer in Case No.245/06, titled Roshan Lal vs Tej Parkash and others dated 13.02.2007, with the intervention of the Gram Panchayat, Barin, Tehsil and District Hamirpur.

6. It was further pleaded that fine to the tune of Rs. 25 was imposed upon the plaintiff under Section 15 of the Gram Panchayati Act for disturbing the permanent landmarks in the case titled Roshan Lal versus Rita Devi, dated 10.03.2007 and therefore, the suit was liable to be dismissed. It was projected by the defendant that under the garb of the present suit, the plaintiff intends to disclaim the defendant since his brother Rupa died recently. Hence, no right can be claimed by her over the share of deceased Rupa, the real brother of the defendant. The defendant accordingly prayed for the dismissal of the suit.



7. The learned trial court framed the issues on 14.12.2007 in the following manner

1. Whether the plaintiff is entitled for the relief of permanent prohibitory injunction as prayed for ? OPP
2. Whether the plaintiff is entitled for the relief of possession of the suit land, as prayed for ? OPP.
3. Whether the plaintiff has no cause of action to file the present suit as alleged ? OPD.
4. Whether the suit of the plaintiff is not maintainable, as alleged ? OPD.
5. Whether the suit of the plaintiff is not properly valued for the purpose of court fee and jurisdiction, as alleged ? OPD.
6. Whether the suit of the plaintiff is liable to be dismissed with special costs as alleged ? OPD.
7. Relief.

8. The learned trial Court directed the respective parties to adduce evidence in support of their contentions. Vide judgment and decree dated 30.04.2013, the suit filed by the plaintiff-respondent was decreed, restraining the defendant from causing any interference or encroaching upon the remaining portion of the suit land comprised in Khata No. 102/1, Khatauni No. 102/1, Khasra No. 813, measuring 2 Kanals as per Jamabandi for the year 2002-2003, situated in Tikka Chahar, Tappa Ugiyalta, Tehsil and District Hamirpur, H.P. Further, the plaintiff was held entitled to vacant possession of the portion of the suit land encroached upon by the defendant, depicted as Khasra No.



813/1, measuring 9 Marlas, as per the report of the Local Commissioner, Ext. LC/7, and Tatima, Ext. LC/3, by way of demolition of the structures existing thereon. The report of the Local Commissioner, Ext. LC/7, and Tatima, Ext. LC/3, were ordered to form part of the decree.

9. Feeling dissatisfied, the defendant preferred an appeal under Section 96 of the Code of Civil Procedure before the learned District Judge, Hamirpur, on 01.06.2013. The learned first appellate court, vide impugned judgment and decree dated 25.07.2015, affirmed the findings returned by the learned trial court and dismissed the appeal preferred by the defendant.

10. Still aggrieved, the appellant-defendant has approached this Court by invoking the provisions of Section 100 of the CPC, laying challenge to the judgment passed by the first appellate court.

11. It is contended by Mr. Ashok Kumar Tyagi, learned counsel for the appellant, that the impugned judgments and decrees passed by the learned courts below are erroneous and liable to be quashed and set aside. He submitted that the learned courts below failed to appreciate the real controversy and wrongly decreed the suit filed by the plaintiff-respondent. He further submitted that the learned courts below wrongly placed reliance upon the report of the Local Commissioner, Ext. LC/7. Therefore, after accepting the present appeal, the judgments and decrees as passed by the learned courts



below deserve to be quashed and set aside and the suit as filed by the plaintiff deserves to be dismissed.

12. On the other hand, Ms. Vaishali Lakhanpal, learned vice counsel appearing for the plaintiff-respondent, defended the impugned judgments and decrees. She submitted that the courts below have rightly determined the controversy and correctly passed the decree for vacant possession on the basis of the report of the Local Commissioner, Ext. LC/7, as the defendant had encroached upon 9 Marlas of the suit land. She further submitted that on account of the continuous interference by the defendant, the decree of injunction was legally passed, which is in consonance with the oral as well as documentary evidence placed on record.

13. The present appeal was admitted by this Court on 11.03.2016 on the following substantial question of law:

Whether on account of misreading, misappreciation and misconstruction of the law and facts as well as the oral and documentary evidence available on record, the judgment and decree under challenge in the main appeal being perverse and vitiated is not legally sustainable?

14. I have heard the learned counsel for the parties and have perused the record carefully.

15. The plaintiff-respondent had approached the learned trial Court for the grant of permanent prohibitory injunction and possession



on the ground that defendant is a quarrelsome person and he has no regard for law. The defendant since 30<sup>th</sup> August 2007, started cutting grass from the suit land forcibly and illegally along with the boundary line. Despite making protests, the defendant was not acceding to the request of the plaintiff and was hurling regular threats to change the nature of the suit land by way of digging and raising construction thereon. The said interference on the part of the defendant was totally illegal and unwarranted.

16. It was the case of the plaintiff that in case the defendant is found in illegal possession of the suit land by way of construction or otherwise during the trial of the suit, under such circumstances, the plaintiff is entitled for the decree of possession in respect of the suit land by way of demolition or otherwise, as the case may be.

17. In order to substantiate her case, the plaintiff examined herself as PW-1, whereby all the averments as made in the plaint have been reiterated. As per PW-1, the defendant interferes in the suit land and when he is requested not to do so, he hurls abuses on her. As per PW-1, they have constructed their house over the suit land. The parties are in respective possession on the basis of the demarcation. She stated that an appeal was preferred against the demarcation before the SDM Court and the said appeal is pending. The defendant has got no right, title or interest over the suit land. In the month of



August 2007, the defendant cut the grass from the suit land and he uprooted her kitchen garden.

18. In the cross-examination, PW-1 admitted that Khasra Nos. 813 and 935/810 are adjacent to each other. The land of the plaintiff and defendant is adjoining to each other. She admitted that the defendant had taken the demarcation qua the Khasra number owned by her. She denied that any complaint was made before the Panchayat against her. She denied that she is interfering in the land owned and possessed by the defendant. As per PW-1, she had filed an appeal against the demarcation.

19. PW-2 is the statement of Kamlesh Kumar. In his statement, he has stated that he knew the parties. As per PW-2, the defendant used to quarrel with the plaintiff. In his cross-examination, he denied that he does not know about the real dispute *inter se* the parties.

20. In order to rebut the case of the plaintiff, defendant examined DW-1 Shrawan Kumar. In his deposition, he has stated that from 2005 to 2010 he remained Pradhan of the Gram Panchayat. He knew the parties and has seen the disputed suit land. As per this witness, the demarcation was carried out in his presence and in the presence of the police, Panchayat and other people. Based on the demarcation, the points were fixed over the suit land. He stated that the plaintiff had erected the khali of grass over the land owned by the



defendant. The defendant had filed an application before the Panchayat, who in turn had directed the plaintiff to remove the khali within a period of one month. The copy of the order is Ext. DW-1/A.

21. In the cross-examination, he stated that the order Ext. DW-1/A is not readable. He stated that he does not know that the SDM had set aside the said order. He admitted that qua the immovable property the Panchayat has got no right to adjudicate any dispute.

22. DW-2 is the statement of Brij Lal, Ward Member, Gram Panchayat, Bari. In his testimony, he has stated that from 2005 to 2010 he remained as member of the Gram Panchayat, Bari. DW-1 remained Pradhan of the Gram Panchayat at the relevant time. As per him, he knew the parties and in the presence of Tehsildar, Kanungo, Patwari, the demarcation was conducted. The Tehsildar had fixed the permanent points and on the basis of the same, order Ext. DW-1/A was passed. On the same, he had appended his signatures, which are encircled as Ext. DW-2/A.

23. In the cross-examination, he stated that he does not know about the order of the Panchayat which he has referred to in his examination-in-chief. He does not know what happened in the appeal. As per DW-2, he has no knowledge about the old points erected on the suit land. He does not know that decision has been rendered by the SDM qua the demarcation.



24. The defendant entered in the witness box as DW-3 and he has reiterated all the averments as made in the written statement. He stated that the suit land is situated at Tikka Chahar and the land of the plaintiff is different. As per DW-3, they are in possession of their own land from the time of their ancestors. The plaintiff had purchased the land about seven to eight years ago and from that time, she is continuously interfering in the land owned by the defendant. As per this witness, they had obtained the demarcation of the disputed land and at the relevant time, the Pradhan of the Gram Panchayat, Patwari and Kanungo were present. The copy of the order is Ext. DW-1/B.

25. In his cross-examination, he has admitted that the order which was passed by the Gram Panchayat was quashed and set aside by the SDM (Civil). He admitted that he had transferred 10 marlas of land out of Khasra No.810 in favour of his son. He denied the suggestion that the demarcation qua which he is stating, in that the plaintiff was not a party.

26. OW-1 is the statement of Dhyan Singh, who was appointed as a Local Commissioner in the present case. As per the deposition of this witness, he was appointed as a Local Commissioner and had visited the spot on 08.01.2013. The said land is situated at Tikka Chahar. As per this witness, the plaintiff Rita Devi and defendant Roshan Lal both were present on the spot. As per this witness, Roshan Lal, defendant, did not produce copy of Ext. DW-1/B to him.



He denied that the points which were told by the defendant were not taken into consideration by the said witness in his report. He stated that it is correct that he did not demarcate Khasra No. 935/810, 811, and 812; self-stated that he had measured the same. He admitted that in the report, khasra Nos. 812, 813 and 935/810 were not mentioned. He denied that he did not associate the Patwari concerned in the demarcation. The document Ext. OW-1/A was given to him by plaintiff Rita Devi at the time of conducting of demarcation. He denied that the entire report was prepared on the asking of the plaintiff Rita Devi. He denied that he did not see the demarcation which was carried out on the previous occasion.

27. In the cross-examination, he stated that the court reference is Ext LC/1, the information is Ext. LC/2, copy of the Musabi is Ext. OW-1/A and the copy of tatima is Ext. LC/3. The statements of the parties including Roshan Lal is Ext. LC/4 and the copy of the report is Ext. LC/7.

28. OW-2 is the statement of the objector Roshan Lal. In his objection, he has stated that the day on which the demarcation was conducted, prior to that, the Local Commissioner had stayed in the house of the plaintiff. He stated that the suit land was earlier also demarcated.

29. In order to adjudicate the dispute in hand, the report of the Local Commissioner, which is Ext. LC/7, is very material. As per the



same, the defendant had encroached upon 9 marlas of the suit land.

The report of the Local Commissioner is based upon the instructions as issued by the Financial Commissioner of State of Himachal Pradesh and is also in consonance with the rules and orders as framed by the High Court of Himachal Pradesh.

30. The report Ext. LC/7 is specific, categorical and unambiguous and there is no error in the same. From the perusal of the report, as well as the evidence as led by the parties, especially the statement of OW-1 Dhyan Singh, the Local Commissioner, the court is convinced that all the formalities and the procedure as prescribed for carrying out the demarcation were done by the Local Commissioner and there is no error or irregularity in the same. The Local Commissioner had fixed the permanent points and he had recorded the statements of the respective parties. The objection which was raised by the defendant to the report of the Local Commissioner is that the Local Commissioner Dhyan Singh had stayed in the house of the plaintiff on the previous day when the demarcation was conducted. However, no material has been placed on record to substantiate this contention.

31. Ext. LC/6 is the statement of the defendant, which reveals that no such objection was taken by him at the time of the conducting the demarcation. Rather, in his statement, he has categorically admitted that prior to the present demarcation, he had obtained the



demarcation about four to five times. It speaks about the conduct of the defendant and the same demonstrates that he is in the habit of raking up the controversy on the one pretext or the other.

32. It is contended by the learned counsel for the appellant that the land of the present appellant was not demarcated by the Local Commissioner, as a result of which, the report Ext. LC/7 is not sustainable in the eyes of law.

33. The record indicates that the Local Commissioner was appointed on the application filed by the defendant. On 14.05.2012, it was ordered by the learned Civil Judge (Junior Division), Court No. 4, Hamirpur that an application under Order 26 Rule 9 of CPC has been filed and the learned counsel for the plaintiff has no objection in case the same is allowed. On the basis of no objection, the application seeking demarcation of the land comprised khata number 102/1, Khataun No.102/1, khasra No. 813 measuring 2 kanals, as per jamabandi for the year 2002-2003, situated in village Chahar, Tappa Ugiyalta, Post Office Touni Devi, Tehsil and District Hamirpur was allowed and the fees of the Local Commissioner was assessed to be Rs.2,200/- to be paid by the defendant.

34. On 16.08.2012, with the mutual consent of the parties, Shri Dhyan Singh, retired Naib Tehsildar, OW-1, was appointed as Local Commissioner and his report was called for on 05.09.2012. The objection as raised by the present appellant is that the land owned by



him was not measured by the Local Commissioner, as a result of which, there is an error in the same and fresh Local Commissioner is required to be appointed in order to adjudicate the boundary dispute *inter se* the parties.

35. Ext. LC-1 is the reference of the learned Civil Judge (Junior Division), Court No. 4, Hamirpur, whereby reference was made to Shri Dhyan Singh, retired Naib Tehsildar, to visit the spot and demarcate the suit land comprised in Khata No. 102/1, Khatauni No. 102/1, Khasra No. 813, area measuring 0-2 kanals as per Jamabandi for the year 2002-2003, situated at Village Chahar, Tappa Ugiyalta, Post Office Touni Devi, Tehsil and District Hamirpur

36. The Local Commissioner report, Ext. LC/7, is very clear whereby, as per the reference, the suit land has been demarcated. Even in his deposition, OW-1 Dhyan Singh has stated that the land bearing Khasra Nos.935/810, 811, and 812 were demarcated. Therefore, the contention as raised by the appellant is falsified from the documentary evidence placed on record when read in conjunction with the oral evidence as led by OW-1 Shri Dhyan Singh.

37. The learned courts below have concurrently come to the conclusion that OW-1 Dhyan Singh has carried out the demarcation in accordance with the instructions as issued by the Financial Commissioner, State of Himachal Pradesh and the defendant has failed to point out any illegality or perversity in the same.



38. Based upon the report Ext. LC/7 and Tatima Ext. LC/3, it was ordered that plaintiff is entitled for vacant possession of the portion of the suit land encroached upon by the defendant depicted as Khasra No.813/1 measuring 9 marlas by way of demolition of the superstructure existing thereon. The appellant has not been able to point out any perversity in the impugned judgments and decrees, especially the report of the Local Commissioner, based upon which the suit for permanent prohibitory injunction and vacant possession as filed by the plaintiff was ordered to be decreed.

39. This Court is in agreement with the findings as returned by the learned courts below and does not see any reason to interfere in the well-reasoned judgment and decrees as passed by the learned courts below.

40. The Hon'ble Apex Court has repeatedly held that the scope of interference by the High Courts especially while exercising power under Section 100 of the Code of Civil Procedure is very limited. The High Courts should not interfere in concurrent findings of facts until and unless the findings as returned by the Courts below are perverse or without any evidence.

41. In the present case, there are concurrent findings of facts rendered by the learned Courts below and the scope of interference in the concurrent findings of fact, as per the various judgments of the Hon'ble Apex Court, is very narrow and limited. The Hon'ble Apex



Court has held in its various decisions that the High Court cannot re-appreciate the evidence to substitute its own view for a plausible finding of fact arrived at by the first appellate court.

42. Reference in this regard is made to the judgment of the Hon'ble Apex Court in ***Hero Vinoth (minor) vs. Seshammal, (2006) 5 SCC 545*** has held as under:

*"18. It has been noted time and again that without insisting for the statement of such a substantial question of law in the memorandum of appeal and formulating the same at the time of admission, the High Courts have been issuing notices and generally deciding the second appeals without adhering to the procedure prescribed under Section 100 of the CPC. It has further been found in a number of cases that no efforts are made to distinguish between a question of law and a substantial question of law. In exercise of the powers under this section in several cases, the findings of fact of the first appellate court are found to have been disturbed. It has to be kept in mind that the right of appeal is neither a natural nor an inherent right attached to the litigation. Being a substantive statutory right, it has to be regulated in accordance with law in force at the relevant time. The conditions mentioned in the section must be strictly fulfilled before a second appeal can be maintained and no court has the power to add or to enlarge those grounds. The second appeal cannot be decided on merely equitable grounds. The concurrent findings of facts will not be disturbed by the High Court in exercise of the powers under this section. Further, a substantial question of law has to be distinguished from a substantial question of fact. This Court in Sir Chunilal V. Mehta and Sons Ltd. v. Century Spg. & Mfg. Co. Ltd. (AIR 1962 SC 1314) held that : "The proper test for determining whether a question of law raised in the case is substantial*



would, in our opinion, be whether it is of general public importance or whether it directly and substantially affects the rights of the parties and if so whether it is either an open question in the sense that it is not finally settled by this Court or by the Privy Council or by the Federal Court or is not free from difficulty or calls for discussion of alternative views. If the question is settled by the highest court or the general principles to be applied in determining the question are well settled and there is a mere question of applying those principles or that the plea raised is palpably absurd the question would not be a substantial question of law.

" 19. It is not within the domain of the High Court to investigate the grounds on which the findings were arrived at, by the last court of fact, being the first appellate court. It is true that the lower appellate court should not ordinarily reject witnesses accepted by the trial court in respect of credibility but even where it has rejected the witnesses accepted by the trial court, the same is no ground for interference in second appeal when it is found that the appellate court has given satisfactory reasons for doing so. In a case where from a given set of circumstances two inferences of fact are possible, one drawn by the lower appellate court will not be interfered by the High Court in second appeal. Adopting any other approach is not permissible. The High Court will, however, interfere where it is found that the conclusions drawn by the lower appellate court were erroneous being contrary to the mandatory provisions of law applicable or its settled position on the basis of pronouncements made by the Apex Court, or was based upon inadmissible evidence or arrived at by ignoring material evidence.

20. to 22 xx xxxxxx

23. To be "substantial" a question of law must be debatable, not previously settled by law of the land or a binding precedent, and must have a material bearing on the decision



*of the case, if answered either way, insofar as the rights of the parties before it are concerned. To be a question of law "involving in the case" there must be first a foundation for it laid in the pleadings and the question should emerge from the sustainable findings of fact arrived at by court of facts and it must be necessary to decide that question of law for a just and proper decision of the case. An entirely new point raised for the first time before the High Court is not a question involved in the case unless it goes to the root of the matter. It will, therefore, depend on the facts and circumstance of each case whether a question of law is a substantial one and involved in the case, or not; the paramount overall consideration being the need for striking a judicious balance between the indispensable obligation to do justice at all stages and impelling necessity of avoiding prolongation in the life of any lis."*

43. Similarly, the Hon'ble Supreme Court in **Annamalai vs. Vasanthi, 2025 INSC 1267**, has held as follows: -

*"16. Whether D-1 and D-2 were able to discharge the aforesaid burden is a question of fact which had to be determined by a court of fact after appreciating the evidence available on record. Under CPC, a first appellate court is the final court of fact. No doubt, a second appellate court exercising power(s) under Section 100 CPC can interfere with a finding of fact on limited grounds, such as, (a) where the finding is based on inadmissible evidence; (b) where it is in ignorance of relevant admissible evidence; (c) where it is based on misreading of evidence; and (d) where it is perverse. But that is not the case here.*

*17. In the case on hand, the first appellate court, in paragraph 29 of its judgment, accepted the endorsement (Exb. A-2) made on the back of a registered document (Exb. A-1) after considering the oral evidence led by the plaintiff*



*appellant and the circumstance that signature(s)/thumbmark of D-1 and D-2 were not disputed, though claimed as one obtained on a blank paper. The reasoning of the first appellate court in paragraph 29 of its judgment was not addressed by the High Court. In fact, the High Court, in one line, on a flimsy defense of use of a signed blank paper, observed that genuineness of Exb. A-2 is not proved. In our view, the High Court fell in error here. While exercising powers under Section 100 CPC, it ought not to have interfered with the finding of fact returned by the first appellate court on this aspect; more so, when the first appellate court had drawn its conclusion after appreciating the evidence available on record as also the circumstance that signature(s)/thumbmark(s) appearing on the document (Exb.A2) were not disputed. Otherwise also, while disturbing the finding of the first appellate court, the High Court did not hold that the finding returned by the first appellate court is based on a misreading of evidence, or is in ignorance of relevant evidence, or is perverse. Thus, there existed no occasion for the High Court, exercising power under Section 100 CPC, to interfere with the finding of the first appellate court regarding payment of additional Rs. 1,95,000 to D-1 and D-2 over and above the sale consideration fixed for the transaction.*

*18. Once the finding regarding payment of additional sum of Rs.1,95,000 to D-1 and D-2 recorded by the first appellate court is sustained, there appears no logical reason to hold that the plaintiff (Annamalai) was not ready and willing to perform its part under the contract particularly when Rs. 4,70,000, out of total consideration of Rs. 4,80,000, was already paid and, over and above that, additional sum of Rs.1,95,000 was paid in lieu of demand made by D-1 & D-2. This we say so, because an opinion regarding plaintiff's readiness and willingness to perform its part under the contract is to be formed on the entirety of proven facts and*



*circumstances of a case including conduct of the parties. The test is that the person claiming performance must satisfy conscience of the court that he has treated the contract subsisting with preparedness to fulfill his obligation and accept performance when the time for performance arrives.”*

44. No other point was raised by the learned counsel for the parties.

45. Both the Courts below have rightly appreciated the point in controversy after considering the oral as well as documentary evidence placed on record. The substantial question of law is answered accordingly.

**CMP No. 11446 of 2015.**

46. The instant application has been filed for appointment of Local Commissioner by the applicant-appellant. However, the learned counsel for the applicant-appellant has not addressed any arguments on the said application. Moreover, from the perusal of the application, no case is made out for appointment of any Local Commissioner. In view of the report Ext. LC/7, which is part of the case file, this Court does not find any merit in the present application and it has also been observed while recording statement of the present appellant-defendant whereby he has admitted that he had obtained the demarcation 4-5 times which indicates that the present appellant was in the habit of filing repeated applications in order to keep the dispute alive for



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perpetuity. Therefore, the present application is ordered to be dismissed.

47. In view of above, the present appeal being devoid of any merit deserves to be dismissed. Ordered accordingly. Pending application(s), if any, also stands disposed of.

**(Romesh Verma)**  
**Judge**

**15<sup>th</sup> September, 2026**  
(vt)