

CR No.2676 of 2015

104

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.2676 of 2015

Date of Decision: 13.08.2015

BALKAR SINGH

.....Petitioner

Vs

BALWANT SINGH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J.(Oral)

Amendment in the written statement has been sought after commencement of the trial on the ground that defendant has been forcibly dispossessed from land measuring 4 *kanals* 5 *marlas* by some anti-social elements during pendency of suit in January 2014.

Learned counsel pleads liberal construction in pleadings by means of amendment.

Trial Court has dismissed the prayer on the ground that on 31.03.1985, correction in khasra girdawari was ordered by Assistant Collector, 1st Grade after visiting the spot. Balkar Singh petitioner herein admitted possession of Balwant Singh and thereafter no appeal or revision was filed against the order correcting khasra

CR No.2676 of 2015

girdawari. Secondly in civil suit No.333 dated 07.05.1982 father of the petitioner filed suit for possession in respect of 3 *kanals* 9 *marlas* of land which pre-supposes possession of respondent in respect of land in question. Thirdly in another civil suit No.857 dated 24.08.1984, respondent sought permanent injunction seeking restraint against petitioner qua demolition of khall. Advocate appearing on behalf of petitioner made statement that he will not take forcible possession of suit land therein. The case was disposed of accordingly. Still further a demarcation was conducted on 16.07.1984 and possession of Balwant Singh was endorsed over the suit land. The suit filed by Ranjit Singh for possession was dismissed by trial Court on 04.06.1987. As judgment and decree was upheld by Lower Appellate Court on 07.10.1989 and RSA No.2737 of 1989 is statedly pending.

Cumulative effect of aforesaid facts would lead to *prima facie* conclusion that the story propounded by petitioner that he was dispossessed only in January 2014, cannot be accepted.

Resultantly finding no merit in this case, the same is dismissed.

Nothing expressed hereinabove would be considered to be an opinion on merits of this case in any manner. The aforesaid facts are being noted only for the sake of disposal of the present petition.

August 13, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE