

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

RSA No.2300 of 2010 (O&M)

Date of Order: November 5, 2015

Bhola Singh

..... Appellant

versus

Jagir Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present:- Mr. Vishal Goyal, Advocate, for
Mr. J.S. Thind, Advocate,
counsel for the appellant.

Surinder Gupta, J

Plaintiffs Bhola Singh, Bachan Singh and Kartar Singh filed the suit seeking declaration that they are owners to the extent of 5/11th share belonging to Sohan Singh and 1½/11th share belonging to Narain Singh in land bearing Khasra No.1946, 1947 (old), Khata Khatauni No.466, 1304, later on changed to Khasra No.758 and 759, situated in Village Majitha, Tehsil and District Amritsar, belonging to Narain Singh and Sohan Singh.

2. Both the courts below discarded the claim of plaintiffs referring to the order dated 08.04.1986 passed by Director, Consolidation of Holdings and the judgment dated 26.11.1992 passed by Additional District Judge, Amritsar, in a case pertaining to the same land between Jagir Singh's party and Municipal Committee, Majitha. It was observed that land bearing Kharsa Nos.758 and 759 allotted in lieu of land bearing Khasra Nos.1946 and 1947, was reserved for pond. There had been litigation regarding title of this land between Jagir Singh's party and Municipal Committee, Majitha, which ended in favour of the Municipal Committee. The courts below have

held that the suit land was pond vested in Municipal Committee, which levelled the same and handed over the possession to telephone department.

3. Against the concurrent findings of the courts below, one of the plaintiff, Bhola Singh, has filed this Regular Second Appeal.

4. I have heard learned counsel for the appellant and have also perused the paper book and record of lower court with his assistance.

5. During the course of arguments, learned counsel for the appellant has not been able to point out any document on record, which support the claim of appellant that he along with other plaintiffs, being the legal heirs of Narain Singh and Sohan Singh have any share in the suit land.

6. Judgment passed by the courts below, do not suffer from any legal or factual infirmity calling for any interference.

7. No substantial question of law requiring determination arises in this appeal, which has no merit.

8. Dismissed.

(SURINDER GUPTA)
JUDGE

November 05, 2015
Sachin M./jv