

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

RSA No. 3411 of 2011 (O&M)

Date of decision : 3.11.2015

Siri Chand and others

... Appellants

versus

Ram Pal and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the appellants.

Rajesh Bindal, J.

The defendants are before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by the plaintiffs for permanent injunction was allowed.

The suit was filed claiming that the plaintiffs are in possession of 40 kanals of land as Biswedars in equal share in the agricultural land comprising khewat no.279, khatoni no.400, bearing khasra no.61 min. The suit land was earlier under the Sellab, but now the same has been in cultivating possession of the plaintiffs. Possession of the plaintiffs over the suit land is continuous and they have never been ejected from the suit land. Both the Courts below found that the appellants have not been able to make out a case that the property in question ever remained in their possession. No doubt the appellants produced on record old jamabandis for the year 1933-34, Ex.D3, showing predecessor of defendants to be in possession of khasra nos. 911, 912, 913 and 914 and for the year 1963-64, Ex.D4, but it was not proved that khasra nos. 911 to 914 changed to any new number. In the absence of that on record, the Court could not link the same. Further the court has also noticed that in the jamabandi for the year 1998-99, Ex.P1, produced on record by the plaintiffs, they have been shown in exclusive possession of the suit land. The learned Court below has further noticed that the plaintiffs have not claimed ownership of the said property, rather they

have filed the suit for perpetual injunction on the basis of their possession as biswedars.

The learned Court below further found that Ex.D2 which is a mutation with regard to purchase of some land by defendant Siri Chand does not pertain to the suit land. The appellants failed to prove their possession over the suit land.

Considering the aforesaid material on record, in my opinion, no illegality has been committed by the learned Courts below in decreeing the suit filed by the plaintiffs.

No substantial question of law arises. The appeal is accordingly dismissed.

3.11.2015
vs

(Rajesh Bindal)
Judge