

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

**RSA No.4666 of 2011 (O&M)
Date of Decision: October 12, 2015**

Chaman Masih and another Appellants

vs.

Uma Shanker and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. H.C. Arora, Advocate for
Mr. G.N. Malik, Advocate for the appellants.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 14.06.2011 passed by learned Addl. District Judge, Sangrur, affirming the judgment and decree dated 11.09.2008 passed by learned Civil Judge (Jr. Divn.), Malerkotla, vide which the two cross suits were decided and the suit No.63 of 21.03.2001 filed by the present appellants was dismissed whereas suit No.267-A of 28.07.2001 filed by Hari Chand was partly decreed and decree for possession of land measuring 3 biswas along with construction thereupon as detailed in the decree was passed in favour of Hari Chand and against the plaintiffs. The plaintiffs were directed to pay mesne profits to defendant Hari Chand @ ₹480/- from

the date of filing of the suit till actual realization. The plaintiffs were further directed to surrender vacant possession of the land and to pay the mesne profits to defendant Hari Chand. However, the suit of defendant Hari Chand qua land exceeding 3 biswas and qua relief of permanent injunction was declined.

I have heard learned counsel for the appellants and have also carefully gone through the case file.

The case of the present appellants was that they had purchased the disputed property from one Gurdev Chand son of Hari Chand-defendant No.4, vide sale deed dated 15.06.1982.

On the other hand, Hari Chand claimed that his son Gurdev Chand had no title to sell the house and that he had executed a Will No.79, dated 21.07.1993 in favour of defendant Nos.1 to 3, who are sons of his son Gurdev Chand and that plaintiffs were put in permissive possession of disputed property by Gurdev Chand, who was earlier residing with him.

After examining the documents, both the courts have come to the conclusion that Hari Chand is owner in possession of the land measuring 3 biswas along with construction thereupon. Gurdev Chand did not prove his title of the disputed property. Therefore, the dispute of the present plaintiffs-appellants i.e. suit No.63 of 21.03.2001 was dismissed.

After going through the judgments and decrees of both the courts below, I am of the view that findings of the facts have been

recorded. No substantial question of law arises in the present appeal. Otherwise also, there is no illegality in the findings of the facts recorded by both the courts below.

Hence, the present regular second appeal stands dismissed.

October 12, 2015
sarita

(KULDIP SINGH)
JUDGE