

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

RSA No. 2538 of 2012 (O&M)

Date of decision : 29.10.2015

Gurdial Singh

.. Appellant

versus

The Rattanheri Co-operative
Agriculture Service Society and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Nitin Goyal, Advocate for
Mr. Sanjiv Gupta, Advocate, for the appellant.

Rajesh Bindal, J.

The plaintiff is before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by him for permanent injunction was dismissed.

The case set up by the appellant-plaintiff is that as per the revenue record Mustarka Malkan Digar Hakdaran Hasab Rasad Khewat, he has been recorded to be the owner of the suit property and possession of makbuja malkan as per the Bachat Scheme of Consolidation of Holdings is recorded in the possession column thereof. He is one of the proprietors of the village and is in possession of the suit property since then. He has constructed two rooms therein and also raised boundary wall. He is residing in the suit property along with his family. However, he could not prove any document showing himself as proprietor of the village at the time of consolidation proceedings.

Admittedly, the name of the plaintiff does not find mention either as owner or in the possession column of the revenue record produced. He has also projected his case on the basis of sale-deed dated 10.12.2001, Ex. P1, alleged to have been executed by Manpreet Singh and others for land including the suit land in his favour. The present suit was filed on 18.7.2001, whereas the sale deed has been executed subsequent to the filing of the suit. In case he was owner and in possession of the suit property,

there was no occasion for execution of the sale-deed dated 10.12.2001 of the said property. On the other hand, defendant no.1- Society has proved on record the suit property as its godown, which was constructed long back from the funds of the society. Defendant no. 1 has also proved on record copies of proceedings, Ex. D1 to D3, showing resolutions passed for repair of the godown, whereas the plaintiff has not been able to prove any record regarding the expenditure incurred by him for raising the construction over the suit property. Though it is claimed that he has been acquitted in the criminal case with regard to the property in dispute, however, that may not be of any help as the conditions laid down for showing the possession and ownership of the plaintiff over the suit property are to be adjudicated on the basis of material on record. Since the plaintiff has failed to prove his case, the Courts below have rightly dismissed the suit.

For the reasons mentioned above, I do not find any error in the judgments and decrees of both the Courts below. No question of law much less a substantial question of law arises in the appeal. The same is accordingly dismissed.

29.10.2015
vs

(Rajesh Bindal)
Judge