

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2775 of 2012(O&M)
Date of decision : October 6, 2015

Sadhu Singh

..... Appellant

Versus

Avtar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ramesh Sharma, Advocate
for the appellant.

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?

Amit Rawal, J (oral).
CM No. 7447-C of 2012

This is an application under Section 151 CPC seeking condonation of delay in refiling the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 95 days in refiling the appeal is condoned.

CM No. 9431-C of 2014

This is an application under Order 22 Rules 3 read with Section 151 CPC for bringing on record the legal representatives of Sadhu Singh who is stated to have died on 27.8.2013. The legal representatives of the appellant-Sadhu Singh are permitted to be brought on record.

Amended Memo of Parties has already been annexed, the same is taken on record.

Registry is directed to place it at an appropriate

place.

The application is disposed of.

RSA No. 2775 of 2012(O&M)

The appellant-plaintiff has challenged the impugned judgment and decree of both the courts below whereby the suit for permanent injunction restraining the defendants from interfering in the peaceful possession over the land measuring 21 Kanals 6 Marlas situated in the revenue estate of village Madrassa Tehsil and District Sri Muktsar Sahib has been dismissed.

Mr. Ramesh Sharma, learned counsel appearing on behalf of the appellant submits that since the revenue record reflected the ownership and possession of the appellant-plaintiff to the extent of ½ share, but the courts below have assigned no reasons in granting the injunction and therefore, there is illegality and perversity in the judgments and decrees of both the courts below.

He further submits that the revenue record i.e. jamabandi as per the provisions of Section 44 of Punjab Land Revenue Act, 1887 carries a presumption of truth.

I have heard learned counsel for the appellant and appraised the paper book.

The reasoning which weighed in the mind of the courts below, on appreciation of oral and documentary evidence, had been that the appellant-plaintiff had sold the entire land which has been duly proved by the defendants, by bringing on record the registered sale deeds. It is only owing to an error in the jamabandi which could not be rectified and the appellant-plaintiff was shown to

be owner in possession, suit, at the behest of plaintiff claiming alleged injunction on the basis of possession was filed.

In my view, the appellant-plaintiff, has been dishonest in approaching the court for claiming permanent injunction whereas, he did not have ownership, much less, title in the property. The only entry in the jamabandi would not prove ownership once he himself alienated the property for a valuable consideration.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of both the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

October 6 , 2015
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