

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

RSA No.987 of 2011 (O&M)

Date of decision : 01.09.2015

Gurnam Singh

...Appellant

Versus

Harnek Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vivek Suri, Advocate for the appellant.

Mr. Dinesh Ghai, Advocate with
Mr. Hitesh Ghai, Advocate for respondents.

AMIT RAWAL, J. (Oral)

Challenge in the present appeal is to the impugned judgments and decrees of Courts below, whereby suit for possession of land measuring 13 marla from Khasra Nos.117 and 116, has been dismissed.

Mr. Vivek Suri, learned counsel appearing on behalf of appellant-plaintiff submits that both the Courts below have committed illegality and perversity in dismissing the suit and misread the documentary evidence Ex.P3 and Ex.P7 i.e. the demarcation reports and copy of jamabandi for the year 2002-2003 respectively, therefore, the appeal involves substantial questions of law for determination by this Court.

I have heard learned counsel for the appellant-plaintiff.

Ex. P3 has not been proved in accordance with law in essence the author of the report have not appeared in the witness box. The defendants have been deprived of asking question in cross-examination.

It is settled law as has been held in *Sait Tarajee Khim Chand & ors. Vs. Yelamarti Satyam & ors. 1971 AIR (SC) 1865*, mere exhibition of the documents does not dispensed with its proof.

Since both the reports Ex.P3 and Ex.P7 have not been proved on record, both the Courts below in my view have not committed illegality and perversity in dismissing the suit and appeal, much less rendered findings of fact and law based on both oral and documentary evidence. No substantial questions of law arises.

Accordingly, appeal is dismissed.

01.09.2015

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**(AMIT RAWAL)
JUDGE**