

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

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*C.M. Nos. 9112-14-C of 2012 and  
RSA No. 3411 of 2012*

*Date of decision: 30.11.2015*

*Amrik Singh and another*

**....APPELLANTS**

**VERSUS**

*Dhanna Singh and others*

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Premjit Kalia, Advocate,  
and Mr. Kewal Krishan, Advocate,  
for the appellants.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**C.M. No. 9112-C of 2012**

Prayer in this application is for exemption from filing certified copies of judgment and decree dated 17.11.2009 passed by the Additional Civil Judge (Senior Division) Ajnala and Annexures A-1 and A-2.

Prayer granted. Filing of certified copies of judgment and decree dated 17.11.2009 passed by the Additional Civil Judge (Senior Division) Ajnala and Annexures A-1 and A-2 is dispensed with.

Application stands disposed of.

**C.M. No. 9114-C of 2012**

Prayer in this application is for permission to place on record

Annexures A-1 and A-2.

Prayer granted. Annexures A-1 and A-2 are taken on record.

Application stands disposed of.

**RSA No. 3411 of 2012**

Challenge in this appeal is to the judgment and decree passed by the Additional Civil Judge, Senior Division, Ajnala dated 17.11.2009, by which the suit preferred by the appellants-plaintiffs for declaration to the effect that the orders dated 11.10.1999 and 02.07.2002 passed on the basis of the impugned order dated 26.09.1995 by the Assistant Collector, 1<sup>st</sup> Grade, Ajnala in relation to partition of the land measuring 153 Kanals 11 Marlas, details whereof have been mentioned in the decree, as entered in the Jamabandi for the year 1997-98 with a further prayer for restraining the respondents-defendants from dispossessing or interfering in the peaceful and lawful possession of the plaintiffs over the land measuring 52 Kanals 14 Marlas in Village Bhullar, Tehsil Ajnala, District Amritsar, has been dismissed, however, holding therein that the appellants-plaintiffs are in possession of the said piece of land i.e. 52 Kanals 14 Marlas and, therefore, entitled to protection against forcible dispossession and the challenge to this judgment and decree has been upheld by the Additional District Judge, Amritsar on 20.04.2012.

2. It is the contention of the learned counsel for the appellants that the appellants, in the light of the finding recorded by the Courts below with regard to they being in possession as per the revenue record and as admitted by the respondents in their written statement, were entitled to the injunction of dispossession from the land only by way of redemption of the mortgage, which relief has not been granted to the appellants and, therefore, the

judgments and decree passed by the Courts below deserve to be modified to the said extent.

3. This contention of the learned counsel for the appellants cannot be accepted as the Courts below have protected the right of the appellants for possession and their dispossession cannot be made forcibly. In the light of the said finding, it is apparent that the rights, which are conferred upon the appellants-plaintiffs as per the said judgments and decree, which flow from the said judgment, protects their right to hold on to the possession except as per the law. The challenge to the judgments and decree passed by the Courts below, therefore, cannot sustain.

4. There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be based on proper appreciation of the pleadings and the evidence produced by the parties, there is no illegality in the impugned judgments passed by the Courts below. Further, there is no substantial question of law in the present appeal, which requires consideration of this Court.

5. In view of the above, finding no merit in the present appeal, the same stands dismissed.

**C.M. No.9113-C of 2012**

In view of the dismissal of the main appeal, no separate orders are required to be passed in this application for stay and, therefore, the same stands dismissed.

**November 30, 2015**

*pj*

**( AUGUSTINE GEORGE MASIH )  
JUDGE**