

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

RSA No. 3668 of 2012 (O&M)

Date of decision : 5.12.2015

Rakesh and another

.. Appellants

versus

Attar Singh and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhinav K. Sood, Advocate for
Mr. Vikram Singh, Advocate, for the appellants.

Rajesh Bindal, J.

The plaintiffs are before this Court against the judgment and decree of the learned lower appellate court, whereby that of the trial court was reversed and the suit filed by the appellants/plaintiffs was dismissed.

The appellants in the present case filed a suit for permanent injunction claiming that they are in cultivating possession of the suit land for the last more than 35 years as Gair Marusi. The suit land is recorded as Sham Lat Deh Hasa Rasad Rakba Malkiyati. Though the suit was filed in the year 2010, but in support of the plea, Jamabandi for the year 1999-2000 and Khasra Girdawari for the year 2010 only were produced. There is no other documentary evidence produced by the appellants/plaintiffs in support of their claim that they were in continuing possession of the suit land for the last more than 35 years before filing the suit, as was sought to be claimed in the suit. Khasra Girdawari on which the appellants sought to place reliance was corrected by Assistant Collector IInd Grade vide order dated 6.8.2010 without notice to any affected person.

The case set up by the respondents-defendants was that they had been allotted the suit land by the consolidation officer vide order dated 1.4.2008 and mutation was also sanctioned in their favour on 8.1.2009 much prior to the date of correction of Khasra Girdawari in favour of the appellants. Once the evidence led by the plaintiffs, who have to stand on

their own legs, is not sufficient to prove that they had been in continuing possession of the suit land for the last more than 35 years, as was claimed, in my opinion, no illegality has been committed by the learned lower appellate court in accepting the appeal filed by the respondents and dismissing the suit filed by the appellants. No substantial question of law arises. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

5.12.2015

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