

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3796 of 2012

Date of Decision.01.09.2015

Hari Ram

.....Appellant

Versus

The State of Haryana and others

.....Respondents

Present: Mr. N.D. Achint, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The plaintiff's suit for declaration and for possession was on the basis that he was an occupancy tenant and he had been holding the property for more than 30 years and that his title must be conferred. The law requires period of 30 years prior to the institution of the suit and finding his own entry was brought only in the year 1980 by substituting the name of Hoshiar Singh, he wanted to contend that the substitution must be taken as operating even 50 years earlier because Hoshiar Singh had not been known to be in the village for more than 50 years. Unless there was an order passed in the correction that the plaintiff's name must be deemed to have been entered more than 30 years or the entry must be taken retrospectively to take effect from the date when Hoshiar Singh's name was substituted, there is no scope for drawing an inference that the plaintiff had proved 30 years possession. I am afraid I cannot find any defect in the decisions of the Courts below for a modification.

2. There involves no substantial question of law for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

September 01, 2015
Pankaj*