

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

RSA No.603 of 2012 (O&M)

Date of decision : 15.10.2015

Fauja Singh and another

...Appellants

Versus

Jogindro Bai and another

...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. C.M. Munjal, Advocate &
Mr. Suresh Kumar Aneja, Advocate for the appellants.

Mr. Namit Gautam, Advocate for the respondent No.2.

AMIT RAWAL, J. (Oral)

Mr. C.M. Munjal, Advocate & Mr. Suresh Kumar Aneja, learned counsel appearing on behalf of appellants submits, that respondent-plaintiff who is none else, but the father, instituted a suit for declaration to the effect that judgment and decree dated 01.02.1993 passed in Civil Suit No.1476-1 dated 12.08.1992 titled as Fauja Singh and others Vs. Bahadur Singh, regarding land in dispute, be declared as illegal as having been obtained by playing fraud and misrepresentation with the consequential

relief of possession and permanent injunction. The aforementioned suit was contested by the appellants. The trial Court on the basis of the oral and documentary evidence found that decree was obtained by the result of fraud. The suit was partly decreed to the effect that the plaintiff is owner of land to the extent of 35 kanal 10 marla out of the land in dispute and also entitled to get the possession of the same from the defendants. Defendants were also restrained from alienating the land aforementioned illegally and forcibly except in due course of law and defendants were directed to hand over the vacant possession of the land aforementioned to the plaintiff.

The aforementioned judgment and decree was assailed by both the parties. The appeal filed by the defendants was partly allowed, whereas on behalf of plaintiffs was dismissed. The lower Appellate Court while partly allowing the appeal reversed the finding vis-a-vis grant of relief of possession.

Learned counsels for appellants further submits that Bahadur Singh on account of his accord/volition suffered a decree aforementioned and, therefore, could not have challenged the same. It was an Act of greed, which could not have been entertained as a valuable right has accrued in favour of the appellants, therefore, appeal involves substantial question of law.

Mr. Namit Gautam, learned counsel appearing on behalf of respondents-plaintiffs submits, that there is no illegality and perversity and appeal does not involve substantial question of law arises as adequate interest of the appellants-defendants has been kept intact.

I have heard learned counsel for parties and appraised the paper

book.

The lower Appellate Court while partly accepting the appeal filed on behalf of appellants reversed the finding of the trial Court vis-a-vis relief of possession. Judgment and decree dated 01.02.1993 was in respect of bigger chunk of land. However, the trial Court grant the relief with regard to only 35 kanal of land. In my view, no prejudice has been caused to the appellants-defendants for raising their grievance in the present appeal.

Both the Courts below have rendered a finding of fact based upon appreciation of oral and documentary evidence.

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

Appeal is devoid of merits.

Accordingly, the same is dismissed.

15.10.2015

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**(AMIT RAWAL)
JUDGE**