

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

**C.M. NO.2580 C OF 2012 &
R.S.A. NO.980 OF 2012**

DATE OF DECISION: DECEMBER 09, 2015

Suba Singh and another

.....Appellants

VERSUS

Bimla and others

....Respondents

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

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

**Present: Mr. Sushil Bhardwaj, Advocate,
for the appellants.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.2580 C of 2012

C.M. is allowed.

**Exemption is granted from filing certified copy of judgement
and decree dated 14.12.2009.**

R.S.A. No.980 of 2012

**Challenge in this appeal is to the judgement and decree dated
14.12.2009 passed by the Civil Judge (Senior Division), Kurukshetra, by
which the suit preferred by their Uncle deceased Gian Singh (plaintiff) for
declaration with consequential relief of permanent injunction restraining the
respondent-defendants to interfere in his peaceful possession stands
dismissed on the ground that the identity of the land in question has not**

been established. Even an appeal preferred by Uncle of the appellants stands dismissed by the Additional District Judge, Kurukshetra, on 01.10.2011.

It is the contention of learned counsel for the appellants that the judgements and decree passed by the Courts below are not based on proper appreciation of the pleadings and the evidence, which have been brought on record. He contends that the evidence, as has been produced by the Uncle of the appellants clearly establishes the property and its identity has been clarified. However, the Courts have not considered the same in its correct perspective, resulting in findings, which cannot be sustained. He, therefore, contends that the present appeal may be allowed and the judgements and decree passed by the Courts below be set-aside and the suit decreed.

I have considered the submissions made by learned counsel for the appellants and with his assistance have gone through the impugned judgements but do not find any force in the contentions as raised by him.

The findings as recorded by the Courts that the plaintiff has not been able to establish the location and identity of the plot in question cannot be faulted with as the same has been found to be so in the pleadings and the evidence brought on record. No satisfactory and reliable evidence has been brought on record by the plaintiff, which would prove the assertions as have been made in the plaint. The findings, thus, recorded by the Courts below cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

R.S.A. NO.980 OF 2012 (O&M)

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No substantial question of law is involved in the present appeal.

Therefore, finding no merit in the present appeal, the same stands dismissed.

**December 09, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**