

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1725 of 2013(O&M)
Date of decision : December 8, 2015

Gurnam Kaur

..... Appellant

Versus

Ajaib Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Malkeet Singh, Advocate
for the appellant.

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?

Amit Rawal, J (oral).
CM No.4571-C of 2013

This is an application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 14 days in filing the appeal is condoned.

The application stands disposed of.

RSA No. 1725 of 2013(O&M)

The appellant-defendant No.2 is in Regular Second Appeal against the concurrent finding of fact whereby the suit for permanent injunction at the instance of the respondents-plaintiffs not to dispossess him forcibly except in due course of law has been

decreed.

Learned counsel for the appellant-defendant No.2 submits that both the courts below have committed illegality and perversity in decreeing the suit in relying upon khasra girdawari which has been entered at the back of the appellant-defendant. In view of amendment caused in Section 42-A of East Punjab Urban Rent Restriction Act, 1949 it is the Gram Panchayat who has to manage the land even if, the appellant is khewatdar, thus, prays that both the courts below have committed illegality and perversity and thus, a substantial question of law arise for determination by this Court.

I have heard learned counsel for the appellant and appraised the paper book.

The courts below held that respondents-plaintiffs as per khasra girdawari have been found to be in long and settled possession. The appellant-defendant has been injuncted not to forcibly dispossess the respondents-plaintiffs but except in due course of law. In view of the above, it would be the Gram Panchayat who would have cause of action to seek vindication of the grievance, if any, thus, claim of the appellant-defendant cannot be said to have been smacking of mala fides or based upon the document procured at the back of the appellant-defendant.

The appellant-defendant shall be at liberty to seek correction of khasra girdawari in accordance with law.

Keeping in view the aforementioned facts, I do not intend to differ with the finding rendered by both the courts below

which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

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

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

December 8, 2015
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