

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

RSA No. 2844 of 2013 (O&M)

Date of decision : 9.3.2015

Suraj Bhan

.. Appellant

versus

Ramphal and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Shilak Ram Hooda, Advocate, for the appellant.
Mr. Ashwani Gaur, Advocate, for the respondents.

Rajesh Bindal, J.

The plaintiff is before this Court against the concurrent findings of fact recorded by both the Courts below whereby the suit filed by him for permanent injunction seeking to protect his possession over a plot measuring 1 marla, was dismissed.

The plaintiff claimed that he is in possession of the plot in question and the same was being used as manure pit. The same is *shamlat deh*. The appellant is one of the proprietors in the village. The respondents-defendants are not even the proprietors in the village. Hence, they have no claim over the suit property. Learned counsel for the appellant further sought to rely upon written statement filed by the respondents wherein it was admitted that the father of the appellant was in possession of the property. However, both the courts below did not find any merit in the claim set up by the appellant. The stand of the respondents was that throughout in the revenue records, the plot was being shown in ownership and possession of the respondents or their predecessor-in-interest. It is even the admitted case of the appellant. Merely on account of a stray entry in the revenue record, which was also corrected later on, the appellant is seeking possession over the property in question. The suit has rightly been dismissed. No substantial question of law arises.

After hearing learned counsel for the parties, I do not find any merit in the present appeal.

Jamabandis for the years 1965-66/1966-67 (Ex. D8) shows Pyare Lal son of Sheo Dutt son of Ramrakh, father of the respondents to be in possession of the suit property, which is recorded as *Shamlat Deh Hasab Rasad Raqba Khewat*, as owner. Similar is the entry in the jamabandi for the year 2004-05, Ex. D-10. It was one Rapat Roznamcha dated 20.10.2005, Ex. D-9, in which a stray entry was recorded in favour of the plaintiff-appellant. However, the same was later on corrected in favour of the defendants-respondents. It was even admitted by appellant Suraj Bhan while appearing as PW1 in his cross-examination that the respondents-defendants are *Nai* (barbar) by caste and they are sons of Pyare Lal and the suit land was given to Pyare Lal as *Garha Khad* during consolidation. He further admitted that the suit land is outside the *abadi* and the *Lal Dora*, near the *Phirni*. Though the appellant claimed that he had purchased the plot from the defendants, however, he could not prove that the plot in question was purchased by him.

Reliance on inadvertent admission made by the respondents in the reply that father of the plaintiff was in possession of the plot in dispute will not take the case of the appellant any further, as the same was clarified being a typographical error where instead of 'defendants' the word 'plaintiff' was mentioned. This is corroborated from the revenue record.

For the reasons mentioned above, I do not find any infirmity in the judgments and decrees of the Courts below. No substantial question of law arises. The appeal is accordingly dismissed.

9.3.2015
vs

(Rajesh Bindal)
Judge