

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1749 of 2015 (O/M)
Date of decision : 14.12.2015

Ram Singh through his LRs and others Appellants

Versus

Bhagwan Dass and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Chirag Wadhawa, Advocate, for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 20.1.2015, passed by the Additional District Judge, Karnal, affirming the judgment and decree dated 25.8.2011, passed by the learned Civil Judge (Junior Division), Karnal, vide which the suit of the plaintiffs (respondents herein) for permanent injunction, was decreed and the defendants (appellants herein) were restrained from dis-possessing the plaintiffs over the suit land illegally and forcibly.

The plaintiffs/respondents had claimed that they are co-sharers in the suit land, fully detailed in para-2 of the plaint. The suit land is situated near the bank of river Yamuna and subject to river action. The defendants/appellants have no concern with the same.

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The defendants/appellants, on the other hand, had claimed that the suit land was purchased by their father, vide sale deeds dated 14.6.1960 and 14.7.1954 from Babumal and Krishan Lal. It is stated that the entries in the khasra girdawari are incorrect. They also claimed their status as co-sharers.

The lower Court held that the plaintiffs/respondents are in possession of the suit land. It was contended that the demarcation was got conducted, in which the possession of the defendants/appellants was established. However, the lower Court did not rely upon the said demarcation report. The findings were affirmed in appeal.

I have heard the learned counsel for the appellants/defendants and have also carefully gone through the file.

The learned counsel for the appellants/defendants contends that the demarcation was conducted in the proceedings pending before the revenue authorities for correction of khasra girdawari entries, wherein the possession of the defendant/appellants was held. Therefore, both the Courts erred in discarding the demarcation report.

I am of the view that the demarcation report was rightly discarded. In the present case, the defendants/appellants claimed possession on the basis of two sale deeds dated 14.6.1960 and 14.7.1954. However, they failed to produce the said sale deeds.

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Once their basic possession is gone, they cannot fall back on demarcation report before the revenue authorities. No local commissioner was got appointed in the present case, wherein the spot might have been inspected in the presence of the parties and the parties might be given opportunity to cross-examine the said local commissioner. Mere production of report of the local commissioner, appointed in proceedings before revenue court, would not be sufficient to believe its contents. There are concurrent findings of facts recorded by both the Courts below. No substantial question of law arises in the present regular second appeal. Hence, the same is dismissed.

(KULDIP SINGH)
JUDGE

14.12.2015.
sjks