

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1899 of 2015 (O&M)
Date of decision: 13.7.2015

Jagdish and others

.. Appellants

v.

Gram Panchayat

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Mahavir Sandhu, Advocate for the appellants.

...

Rajesh Bindal J.

The plaintiffs are before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by them for permanent injunction, was dismissed.

The appellants sought to protect their possession on the suit land claiming that they are in possession thereof since the time of their forefathers. Till the year 1994, the land in question was *banjar kadim*, however, later on, they made it cultivable by spending huge amount. In the column of ownership, Gram Panchayat has been shown to be the owner, whereas in the column of possession, the appellants have been shown to be in possession of the suit land.

It has been noticed by the trial court that PW2-Joginder, in his affidavit Ex. PW2/A filed in his examination-in-chief, claimed that the plaintiffs became owners of the suit land by way of adverse possession, meaning thereby ownership of the Gram Panchayat was admitted. Though the plaintiffs claimed that they are in cultivating possession of the suit land since the time of their forefathers, but they had failed to produce on record any revenue record to establish that fact. It has further come on record that

one FIR was registered against the plaintiffs for removing the trees standing on the land in dispute, for which they are facing prosecution.

With the aforesaid material on record, in my opinion, no illegality has been committed by the learned courts below in dismissing the suit filed by the plaintiffs. No substantial question of law in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

13.7.2015
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