

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

C.M. NO.558 C OF 2015 &

R.S.A. NO.220 OF 2015

DATE OF DECISION: DECEMBER 15, 2015

Bhagwant Rai and others

.....Appellants

VERSUS

Mohan Lal

....Respondent

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. Vipin Mahajan, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgement and decree dated 05.05.2011 passed by the Civil Judge (Junior Division), Pathankot, whereby the suit for permanent injunction, restraining the appellant-defendants, their agents, assignees and representatives from interfering in any manner over 5 marlas plot situated in the revenue estate of Village Kharkara Thuthowal, Tehsil Pathankot, District Gurdaspur, stands decreed and the appeal preferred against the same by the appellant-defendants stands dismissed by the Additional District Judge, Pathankot on 08.09.2014.

It is the contention of learned counsel for the appellants that the sale deed dated 09.03.2006, Ex.D1, is not a valid piece of document as the mother of the appellants had not executed any such sale deed. He contends

that the revenue record, which has been produced by the respondent-plaintiff, is not acceptable as it has not been duly proved. Further contends that the findings as have been recorded by the Courts below, being based upon non-consideration of the evidence, which has been led by the appellant-defendants, cannot sustain and deserve to be set-aside.

I have considered the submissions made by learned counsel for the appellants and with his able assistance have gone through the impugned judgements but do not find any illegality in the same.

As per the evidence led by the respondent-plaintiff, due execution of the registered sale deed dated 09.03.2006 (Ex.D1) by Harbans Kaur in favour of Mohan Lal, respondent-plaintiff, has been proved. The revenue record, which depicts the possession of the respondent-plaintiff over the suit property, is on the basis of the said sale deed Ex.D1. The jamabandi Ex.P1 and the Khasra Girdawari, Ex.P2 support this position. The witness, who had appeared for the respondent-plaintiff, had admitted that the Khasra Girdawari was prepared by the Patwari after visiting the spot, which proves authenticity of the revenue entries in the form of Jamabandi and Khasra Girdawari. DW5 Raghubir Singh had admitted the fact that Harbans Kaur was the owner of 5 marlas of land. Since the sale deed dated 09.03.2006 (Ex.D1) has been duly proved, which has been executed by Harbans Kaur, mother of the appellant-defendants, in favour of the respondent-plaintiff, the findings as recorded by the Courts below cannot be faulted with.

It would not be out of way to mention here that there has been no challenge to the sale deed or the revenue entries by the appellant-defendants. Further the evidence, which has been produced by the

appellant-defendants, does not indicate that they are in possession of the suit land. The conclusion, thus, drawn by the Courts below is based on proper appreciation of the pleadings and the evidence brought on record, which do not call for any interference.

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.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.558 C of 2015 for staying the operation of the impugned judgement and decree is also dismissed.

December 15, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE