

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

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Regular Second Appeal No.224 of 2015

Date of Decision: November 05, 2015

Satnam Ram and another

...Appellants

Versus

Waryam Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Anupam Sharma, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Senior Division), Fazilka, dated 01.12.2012, by which the suit for declaration filed by the appellants-plaintiffs that the judgment and decree passed by the Sub Judge IInd Class, Fazilka, dated 08.10.1992 in civil suit No.745-1 titled as Waryam Ram Versus Satnam Ram etc., which was a consent decree declaring respondent No.1-Waryam Ram to be the owner in possession of 18 kanals 9 marlas i.e. 1/3rd share out of the total land measuring 56 kanals 8 marlas is bad as the true facts were not disclosed to them when the statement was recorded by the Court and the decree passed on that basis, has been dismissed and the appeal preferred against the said judgment and decree also dismissed by the Additional District Judge, Fazilka, on 01.10.2014.

2. It is the contention of learned counsel for the appellants-plaintiffs that the decree impugned cannot be sustained as the same was not on the basis of the free consent of the appellants-plaintiffs as they were not made aware of the true dispute which was involved in the suit and they had, under a *bona fide* mistake, given the said statement before the

Court. She, thus, contends that the judgments and decree passed by the Courts below dismissing the suit of the appellants-plaintiffs cannot sustain and deserve to be set aside.

3. This contention of learned counsel for the appellants cannot be accepted as the statements, which were given by the appellants-plaintiffs in Court, were recorded in the Court itself in the presence of the Judge on oath, where they had admitted the claim of the respondents-defendants herein.

4. Both the Courts below have returned concurrent findings in detail after properly appreciating the pleadings and the evidence brought on record, which do not call for any interference as there is no perversity or illegality therein.

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

November 05, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE