

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

RSA No.2910 of 2015 (O&M)

Date of Decision: December 18, 2015

Mohan Lal

.... Appellant

vs.

Bishamber Dayal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sanjay Mittal, Advocate for the appellant

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 23.01.2015 passed by learned Addl. District Judge, Narnaul, affirming the judgment and decree dated 17.05.2012 passed by learned Addl. Civil Judge (Sr. Divn.), Narnaul, vide which the suit of the plaintiff for permanent injunction was decreed and the defendants were restrained from interfering into the peaceful possession or demolishing the wall of the plaintiff except in due course of law.

I have heard learned counsel for the appellant and have also carefully gone through the case file.

Learned counsel for the appellant contends that both the courts below have recorded the concurrent findings of facts. Both the parties failed to prove their ownership over the disputed plot. The

lower court returned the findings in favour of the plaintiff regarding the possession over the disputed plot on the basis of report of the Local Commissioner. It is further contended that some independent evidence should have been led to prove the possession over the disputed plot.

Learned counsel for the appellant has also contended that the report of the Local Commissioner could not be relied upon to determine the possession as held by this Court in cases of **“Gurcharan Singh vs Kehar Singh (deceased) Rep. by L.Rs., 1996(3) R.C.R. (Civil) 673** and **“Ajit Singh vs Prem Singh”, 2011 (1) Law Herald 888.**

In **Gurcharan Singh's** case (*supra*), the land was bearing khewat numbers and its revenue record was maintained regarding possession.

In the present case, the disputed plot is situated in the village, for which no revenue record is maintained. Therefore, there is no illegality or infirmity in the findings recorded by both the courts below, whereby on the basis of the report of the Local Commissioner, it was recorded that the plaintiff was in possession of the disputed plot, which corroborates the evidence led by the plaintiff. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

December 18, 2015
sarita

(KULDIP SINGH)
JUDGE