

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2701 of 2014(O&M)
Date of decision : October 6, 2015

Majid and another

..... Appellants

Versus

Deen Mohammad and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajesh Lamba, Advocate
for the appellants.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The appellants-defendants are in Regular Second Appeal against the concurrent finding of fact whereby the suit for joint possession on the ground that both plaintiffs and defendants are joint Bhondedars in respect of agricultural land described in the suit has been decreed.

Mr. Rajesh Lamba, learned counsel appearing on behalf of the appellants-defendants submits that both the courts below have committed illegality and perversity in not appreciating the revenue entry in the column of cultivation which was corrected by the revenue official vide rapat roznamcha No.2254. The father of the appellants-defendants was shown to be in exclusive possession, therefore the claim of joint possession was ex facie not maintainable. The aforementioned evidence had not been noticed, much less appreciated by the courts below. Therefore the decrees under

challenge are perverse and involve substantial question of law for determination by this court.

I have heard learned counsel for the appellants and appraised the paper book.

It is a matter of record that father of the appellants-defendants had filed a suit for permanent injunction not to dispossess him except in due course of law. The aforementioned suit would show that the appellants-defendants and respondents-plaintiffs are in joint possession. The status of bhondedars is as similar to co-sharers. The suit was for joint possession and not for partition.

Since both the parties were found to be in joint possession, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of both the courts below.

The plea of adverse possession, much less ouster, in the absence of any such plea, is not acceptable thus, an irresistible conclusion had been arrived at by both the courts below that both the parties were in joint possession, rightly so, the suit has been decreed.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

October 6 , 2015
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