

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Regular Second Appeal No.5637 of 2015(O&M)

Date of decision: 02.11.2015

Gram Panchayat village Tajalpur

.....Appellant

versus

Gian Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.S. Bhandohal, 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 3.8.2015, passed by the learned District Judge, Patiala, affirming the judgment and decree dated 28.3.2013 passed by the learned Civil Judge, Senior Division, Patiala, vide which, the suit of the plaintiff was decreed for Rs.5 lacs along with interest @ 18% per annum from the date of filing of the suit till realization and future interest @ 6% per annum was also allowed on the principal amount, except with the modification in the rate of interest from 18% per annum to 6% per annum.

The brief facts of the case are that the land of the gram panchayat was auctioned on 3.6.2010. The plaintiff was the highest bidder. He deposited Rs.5 lacs with the gram panchayat on *Chakota*

(lease) for the year 2010-2011. However, the possession of the land was not delivered to him. Therefore, he sought refund of the money. Both the Courts below have recorded a concurrent finding of fact that the possession was not delivered to the plaintiff. Therefore, he is entitled to refund of his money. These are the findings of facts. No substantial question of law arises.

Learned counsel for the appellant has argued that some documents were not considered as enumerated in the grounds of appeal.

I am of the view that there is no documentary evidence on the file to show that the possession was actually delivered to the plaintiff and he cultivated the land.

It being so, there is no illegality or infirmity in the findings recorded by both the Courts below.

Consequently, the appeal stands dismissed.

02.11.2015
gk

(Kuldip Singh)
Judge