

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

RSA No.5714 of 2015 (O&M)

Date of Decision: November 06, 2015

Chhabila (deceased) through LRs

.... Appellants

vs.

Tara Chand

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Divay Sarup, Advocate for the appellants.

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 24.08.2015 passed by learned Addl. District Judge, Bhiwani, affirming the judgment and decree dated 15.09.2012 passed by learned Addl. Civil Judge (Sr. Divn.), Siwani Camp at Bhiwani, vide which the suit of the plaintiff for possession and permanent injunction was decreed.

According to the case of the plaintiff, the Haryana Government gifted the disputed land to the plaintiff vide gift deed dated No.3771, dated 13.08.1976 under the scheme of the Haryana Government, vide which the plots of 3-3 marlas were allotted to the landless persons in the year 1976. It is also the case of the plaintiff that one Dharma S/o Indraj, fraudulently got the mutation sanctioned in his favour on the basis of gift deed No.3750 executed in favour of Ram Pal S/o Bhartho, bearing plot No.317//4/12. A civil suit was filed,

which was dismissed by the lower court but in the appeal the suit of the plaintiff was decreed, vide judgment and decree dated 09.12.1975 and the plaintiff was declared owner in possession of the suit land. Mutation No.1109, dated 22.02.1996 was accordingly sanctioned.

The case of the defendants is that they are in possession of the said plot and have constructed their house. The suit property was gifted to Dharma S/o Indraj and the possession of the same was given to him.

The lower court found that the plaintiff is the owner of the land. Therefore, the decree for the possession of the suit land was passed. The findings were affirmed in appeal.

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

Learned counsel for the appellants has argued that the plaintiff has failed to prove his title over the suit land. In the evidence, merely a certificate Ex.P1 was produced, which was not proved in accordance with law. There was cutting, wherein the name of Dharma was corrected. The original of the said document was not proved.

During evidence, no objection was raised regarding mode of proof of Ex.P6. The controversy regarding the gift deed in favour of Dharma, has been finally settled by the civil court. Defendant did not claim the title over the suit land. Therefore, their possession is unauthorized. Thus, there is no illegality or infirmity in the impugned

judgments of both the courts below. No substantial question of law arises in the present appeal.

Accordingly, the present regular second appeal stands dismissed.

November 06, 2015
sarita

(KULDIP SINGH)
JUDGE