

CM No. 2466-C of 2015 in/and
RSA No. 829 of 2015 (O/M)
Date of decision : 27.11.2015

..... Appellant

..... Respondents

Present:- Mr. Vipin Mahajan, Advocate, for the applicant-appellant.

- KULDIP SINGH, J. (ORAL)

CM No. 2466-C of 2015

This is an application for condonation of delay of 9 days in refiling the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of the learned counsel for the applicant-appellant, the delay of 9 days in refiling the present appeal is condoned.

Application is accordingly disposed of.

Main case

The plaintiff filed suit for joint possession of ½ share of agriculture land, measuring 16 kanals 3 marlas, situated in

RSA No. 829 of 2015 (O/M)

the revenue estate of village Bidhipur, Tehsil and District Gurdaspur, was dismissed by the learned Civil Judge (Senior Division), Gurdarspur, vide judgment and decree dated 15.12.2012. An appeal filed by the plaintiff was also dismissed by the learned Additional District Judge (Adhoc), Fast Track Court, Gurdaspur, vide judgment and decree dated 13.8.2014.

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

It comes out that the lower Court returned the findings that the plaintiff has only 1/4th share and that the defendants are in possession of the suit land on the basis of two sale deeds and one agreement of sale and that a co-sharer is deemed to be in possession of every inch of land. The lower Court has rightly held that the suit for possession is not maintainable. In case, the plaintiff wants his separate possession, it is always open to him to file an application for partition before the revenue authorities. There are concurrent findings of two Courts below. Therefore, no substantial question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

27.11.2015
sjks