

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

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Regular Second Appeal No.4959 of 2014 (O&M)
Date of Decision: August 27, 2015

Shiromani Gurdwara Parbandhak Committee, Amritsar

...Appellant

Versus

Ransher Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sukhbir Singh, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.11690-C of 2014

Prayer in this application is for deleting the name of Jagbir Singh-respondent No.20 from the array of respondents.

For the reasons mentioned in the application, the prayer made in the application is allowed.

Name of Jagbir Singh-respondent No.20 is deleted from the array of respondents.

Amended memo of parties is taken on record.

CM No.11691-C of 2014

Prayer in this application is for exemption from filing the certified copy of judgment and decree dated 20.12.2006 of learned Civil Judge (Junior Division), Amritsar.

Application is allowed as prayed for subject to just exceptions.

RSA No.4959 of 2014

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Amritsar, dated 20.12.2006, whereby

the suit for possession of land measuring 150 kanals 13 marlas, as detailed in the head note of the suit, situated at village Kotla Dal Singh, Tehsil and District Amritsar, as per jamabandi for the years 1996-97, stands dismissed. Against which, the appeal preferred by the appellant-plaintiff also stands dismissed by the Additional District Judge (*Ad hoc*), Fast Track Court, Amritsar, on 30.08.2011.

It is the contention of the counsel for the appellant-plaintiff that the land, which is the subject matter of the suit, was gifted in the name of Langar Guru Sahib, Amritsar, in the year 1899. Mutation was entered in the name of Langar Guru Sahib on 12.09.1899 and the said entry continued. Thereafter the respondents, in connivance with the revenue authorities, got their names entered in the revenue records and also came into possession of the suit property, which ultimately led to the filing of the civil suit. He contends that the findings recorded by the Courts below on the issues, cannot be sustained, specially when the evidence, which has been led by the appellant-plaintiff, has not been rightly appreciated. He, therefore, contends that the judgments and decree impugned, deserve to be set aside and the suit of the appellant-plaintiff decreed.

I have considered the submissions made by the counsel for the appellant-plaintiff and with his assistance, gone through the judgments passed by the Courts below but am afraid that the findings, as has been recorded by the Courts below, cannot be faulted with as the same are based upon proper appreciation of the evidence.

It cannot be said that there has any perversity or illegality having been committed in the impugned judgments, which would call for any interference by this Court. That apart, there being no substantial

question of law involved in the present case, which would persuade this Court to admit the present appeal, the appeal deserves dismissal.

Ordered accordingly.

CM No.11689-C of 2014

In the light of the dismissal of the appeal, no order on the application i.e. CM No.11689-C of 2014 for condonation of delay in re-filing the appeal, is required to be passed.

CM No.11692-C of 2014

Since the main appeal itself has been dismissed, the stay application i.e. CM No.11692-C of 2014 stands disposed of as infructuous.

August 27, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**