

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

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Regular Second Appeal No.5027 of 2014

Date of Decision: December 10, 2015

Rohtash Parshad

...Appellant

Versus

Gopi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Malik, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Sonapat, dated 21.10.2011, whereby the suit filed by the appellant-plaintiffs for declaration to the effect that the appellant-plaintiffs are *dholders* in perpetuity over the land in question and the possession of defendant No.1 over the said land for and on behalf of plaintiffs and consequential relief of permanent injunction restraining defendant No.2 from interfering in the possession of the plaintiffs and dispossessing them from the land in dispute, stands dismissed, appeal against which preferred by the appellant-plaintiffs has also been dismissed by the Additional District Judge, Sonapat, on 19.05.2014.

2. It is the contention of learned counsel for the appellant that the Courts below have not properly appreciated the pleadings and the evidence, which have been brought on record. He contends that the plaintiffs, as per the revenue entries, are the *dholders* and since the said fact has been established, the prayer made in the suit should have been accepted by the Courts below. He, therefore, contends that the judgments and decree passed

by the Courts below cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellant but cannot accept the same keeping in view the admission on the part of the plaintiffs in para 3 of the plaint that as per jamabandi for the year 1960-61 of village Salarpur, 1/8th share of the suit land was mortgaged by the ancestors of the plaintiffs with defendant No.1 for a sum of ₹1200/- on the basis of which defendant No.1 has been in possession of the suit land on behalf of the plaintiffs subject to redemption. Thus, the findings recorded by the Courts below cannot be faulted with as the principle of law on which the said finding has been recorded cannot be said to be incorrect.

4. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

5. No substantial question of law arises in the present appeal, which requires consideration of this Court.

6. In view of the above, finding no merit in the present appeal, the same stands dismissed.

December 10, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE