

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**C.M. Nos. 723-C and 9252-C of 2015 and
RSA No. 5250 of 2014 (O&M)**

Date of decision: 22.09.2015

Ram Karan

...APPELLANT

VS.

Jagdeep Singh

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. M.L.Sharma, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is by the appellant-defendant to the judgments and decree passed by the Courts below, vide which the suit for possession and permanent injunction stands decreed.

It is the contention of the learned counsel for the appellant that in the light of the fact that the entry in the jamabandis Exs. D1 to D7, where it is mentioned as *Gair Marusi*, the appellant-defendant should be presumed to be a tenant in the property and, therefore, merely because in the column of cultivation, it has been mentioned as '*Sahayak*' would not make much of a difference. He thus, contends that with the passage of time, the right of the appellant has crystalized into that of a tenant and ultimately, an owner and, therefore, the findings recorded by the Courts below cannot sustain and the judgments and decree passed in favour of the respondent-plaintiff cannot sustain.

This contention of the learned counsel for the appellant cannot be accepted in the light of the fact that in the column of cultivation, the appellant has specifically been shown to be as '*Sahayak*' and merely because of a long possession, it does not, *ipso-facto*, convert into an ownership nor can it be said that he would become the tenant on the property because of such long possession. The finding recorded by the Courts below especially the Lower Appellate Court clinches the issue against the appellant-defendant.

There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be just and reasonable, there is no illegality in the impugned judgments passed by the Courts below. Further, there is no substantial question of law in the present appeal, which requires consideration of this Court.

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

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In view of the dismissal of the main appeal, no separate orders are required to be passed in these applications and, therefore, the same stands dismissed.

September 22, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE