

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

RSA No.5662 of 2014 (O&M)

Date of decision : 04.12.2015

Jassa Singh

...Appellant

Versus

Niranjan Singh @ Pappi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. P.K.S. Phoolka, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the judgment and decree passed by the lower Appellate Court, whereby the suit for possession has been decreed.

Learned counsel appearing on behalf of appellant-plaintiff submits, that trial Court had partly decreed the suit for possession by giving direction that plaintiff to seek the possession of the property from the defendants and hand over the same to the Gram Panchayat. He further submits that jamabandi from the year 1966 to 2005 would show that appellant-plaintiff had been in continuous and uninterrupted possession, however was forcibly dispossessed in 2007, thus, it is in these

circumstances, the suit was filed in the year 2007. The previous jamabandies though noticed have not been read from any angle vide which appellant-plaintiff has been found to be in continuous possession coupled with the admission of the defendants in the written statement which ex facie proves that defendants have taken forcible possession.

I have heard learned counsel for the appellant and appraised the paper book.

No doubt the lower Appellate Court has found that in jamabandies from the year 1966 to 2005, the appellant-plaintiff has been found to be in possession but no evidence has been produced on record to show that he had been dispossessed. The appellant-plaintiff had also not sought the indulgence of the trial Court or preceding to the filing of the suit by getting the suit property demarcated which would have shown the unauthorized and illegal possession/encroachment. It is settled law that appellant-plaintiff has to discharge the onus in support of the assertion made in the plaint. In my view, the evidence vis-a-vis the dispossession is conspicuously absent to stake the claim of the possession.

Keeping in view the aforementioned fact, I do not intend to differ with the findings rendered by the lower Appellate Court.

Accordingly, no substantial question of law arises for determination.

Appeal is dismissed.

04.12.2015

pawan

**(AMIT RAWAL)
JUDGE**