

111.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No.6459 of 2014 (O&M)

Date of decision: 16.10.2015

Beer Singh

... Appellant

versus

Jassa Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. V.K. Sandhir, Advocate,
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The plaintiff's claim for declaration for 1 kanal 13 marlas as property allotted to the father came to be declined on a finding by the court below that girdawar and the revenue entries referred to property in khasra No.324 as comprised in 17 marlas only and there was a shortfall of 16 marlas. The court held that if there was a shortfall, it can be made good only by the panchayat and cannot be recovered from the respondents. I find the adjudication rendered to be correct, for, the defendant cannot be made to suffer for the shortfall that had been occasioned for the only authority that makes allotment could be competent to make good the deficiency.

The panchayat was not even made a party in the suit. I find no error for interference but reserve the right to the plaintiff to take appropriate independent action against the State functionary to make good the deficiency of the property and if such a plea is made, it will be considered in accordance with law. The dismissal of the present action will not come in the way of the plaintiff to seek for shortfall in the said entitlement if he is otherwise legally entitled.

2. The appeal is dismissed but with the above observations.

(K.KANNAN)
JUDGE

16.10.2015
sanjeev