

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 806 of 2014 (O/M)
Date of decision : 1.12.2015

Rajender Parshad

..... Appellant

Versus

Thakar Ram

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Verma, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the judgment and decree dated 22.8.2013, passed by the learned Additional District Judge, Fatehabad, affirming the judgment and decree dated 19.10.2010, passed by the learned Additional Civil Judge (Senior Division), Fatehabad, vide which the suit of the plaintiff for permanent injunction, was decreed, restraining the defendant from interfering in the possession of the plaintiff over the suit land measuring 10 kanals 14 marlas being owner.

I have heard the learned counsel for the appellant and

RSA No. 806 of 2014 (O/M)

have also carefully gone through the file.

The learned counsel for the appellant contends that the defendant (appellant) was inducted as a tenant in the year 2004 by the plaintiff. The tenancy was for unlimited period and was oral one accompanied by possession. During the hearing before the lower appellate Court, the revenue authorities corrected the khasra girdawari in favour of defendant. However, the same was ignored by the lower appellate Court on the ground that the correction has been made during the pendency of the proceedings of the civil court. The present suit was instituted on 18.11.2006. It goes to show that even as per the case of the defendant/appellant, his possession was not for a very long period. There is nothing on file to show that any oral tenancy, as alleged, was created. The findings of facts have been recorded by both the Courts below based on the revenue record that the plaintiff being owner, is in possession of the suit land. No substantial question of law arises in the present regular second appeal. Accordingly, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

1.12.2015
sjks