

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

RSA No. 814 of 2014 (O&M)

Date of Decision: December 07, 2015

Karan Singh

.... Appellant

vs.

Omi

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 11.10.2013 passed by learned Addl. District Judge, Palwal, affirming the judgment and decree dated 24.01.2011 passed by learned Addl. Civil Judge (Sr. Divn.), Palwal, vide which the suit of the plaintiff-respondent for possession was decreed.

The short controversy is that according to the plaintiff, he being landless person was gifted plot by the Gram Panchayat vide gift deed dated 09.06.1988. The plot comprised in khasra N.26/2/4/11 (0-3), situated within the revenue estate of Village Tikari Brahman, Tehsil Palwal, District Faridabad.

However, the defendant-appellant also claimed that he was allotted a plot by the Gram Panchayat being landless and

handicapped person and that he had constructed pucca room and boundary wall on the same.

Both the courts below came to the conclusion that from the gift deed dated 09.06.1988 in favour of the plaintiff-respondent, it is made out that the disputed plot was allotted to the the plaintiff-respondent and that the defendant-appellant had failed to prove that the disputed plot was allotted to him.

The lower court had also recorded that the plot allotted to the plaintiff was only 3 marlas i.e. 75 yards whereas the plot allotted to the defendant was of 100 yards and the disputed plot was not the same plot, which was allotted to the defendant. There was nothing on record that the plot which was allotted to the defendant by the Gram Panchayat was a part of khasra No.26/2/4/11(0-3). Thus, the defendant failed to prove that the plot in dispute or the part thereof was allotted to him.

The lower appellate court has relied upon the report of the Local Commissioner, which shows that there was encroachment upon the disputed plot. There are concurrent findings of facts of two courts below. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

December 07, 2015
sarita

(KULDIP SINGH)
JUDGE