

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 877 of 2014 (O/M)
Date of decision : 22.9.2015

Mukhtyar and another

..... Appellants

Versus

Sheo Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Kumar Yadav, Advocate,
for the appellants.

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 judgment and decree dated 17.12.2013, passed by the learned Additional District Judge, Narnaul, affirming the judgment and decree dated 15.3.2012, passed by the learned Additional Civil Judge (Senior Division), Narnaul, vide which the suit of the plaintiff/respondent No. 1 herein for permanent injunction, was decreed.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

The learned counsel for the appellant has argued that, while decreeing the suit for permanent injunction, restraining the

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contesting defendants from interfering in the possession of the plaintiff/respondent No. 1, the lower Court had failed to consider the rapat rojnamcha No. 247 dated 20.8.1969 (Ex.DW1/C).

The perusal of the judgment and decree of the lower Court shows that the said rapat rojnamcha has infact been considered. The lower Court recorded the findings that the possession of 5 kanals 12 marlas is recorded to have been delivered, but it is not mentioned as to possession of which 5 kanals 12 marlas was delivered out of total land measuring 6 kanals 16 marlas. In the revenue record, the possession of plaintiff/respondent No. 1 is recorded and duly established. Therefore, these are findings of facts and cannot be interfered in the regular second appeal. If the contesting defendants claim that they are co-sharers in the said khasra number, it is always open for them to seek appropriate relief of partition and take recourse to law to get the actual possession of particular area. There is no ground to interfere in the impugned judgments and decrees, passed by both the Courts below.

The present appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

22.9.2015
sjks