

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-980-MA of 2016

DATE OF DECISION: OCTOBER 21, 2016

HOSHIAR SINGH

...APPLICANT

VERSUS

BHOOP SINGH AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

PRESENT: MR. J.S.MEHNDIRATTA, ADVOCATE FOR THE APPLICANT.

M. JEYAPPAUL, J.

1. Aggrieved by the acquittal recorded by the trial Court, the complainant has come forward with the present application praying for leave to file an appeal against acquittal.

2. The sum and substance of the case of the complainant is that the respondents having set up a pedigree table and prepared some documents, got a mutation entered in the their name.

3. The trial Court having adverted to the evidence adduced on the side of the complainant arrived at a conclusion that in the normal course the mutation has been entered by the Revenue Authorities on the request made by the respondents. Further, it is found that there had been a dispute as regards the inheritance of the subject land between the complainant and respondents No.1 to 7. A civil dispute also has been raised by the complainant before the civil Court. The mutation has now been changed in the name of the complainant and the civil suit also has ended in favour of the complainant. It appears that the mutation was entered originally by the

Revenue Authorities as inheritance could not be kept in abeyance. Further, it has been demonstrated that the respondents had not made any attempt to take forcible possession nor had they wielded any threat to take possession of the property. Further, the trial Court took note of the fact that yet another civil suit seeking declaration of the disputed land is still pending adjudication.

4. Under such circumstances, in our view, the trial Court has rightly evaluated the evidence on record and come to a conclusion that no charge is made out as against respondents No.1 to 7. Therefore, the leave sought for is declined and the application stands dismissed.

(M. JEYAPPAUL)
JUDGE

October 21 , 2016
Gulati

(TEJINDER SINGH DHINDSA)
JUDGE

Whether Reportable

No

Whether Speaking/Reasoned

Yes