

316-2

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

RSA-194-1991

Date of decision : 18.05.2016

Joginder Singh

... Appellant

Versus

Hukum Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: None.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The appellant-defendant is aggrieved of the judgment and decree rendered by both the Courts below, whereby the preliminary decree by way of the partition in favour of the plaintiffs against the defendant regarding 39/72 shares has been granted.

It is pleaded case that as per the site plan (Ex.D-2), the defendant was in exclusive possession of the suit property. The partition had already taken place and the portion that has been fallen to the share of Mehanga Singh, was sold to the appellant-defendant. The appellant took the actual possession of the property and thereafter, raised the construction thereon.

Both the Courts below have found that as per the revenue record the property remained joint and the assertion of the defendant that his name did

not reflect in the revenue record was not accepted. It is a settled law that the revenue record, as per Section 44 of The Punjab Land Revenue Act, 1887, carries a presumption of truth when rebutted. In the instant case, in order to prove the averments in the written statement, the appellant-defendant has failed to rebut the evidence with regard to the partition having already effected. The Courts below, after noticing the facts and law ordered for preliminary decree.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination.

With the aforesaid observations, the appeal stands dismissed.

18.05.2016
yogesh

(AMIT RAWAL)
JUDGE