

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1344 of 2008
Date of decision : March 17, 2016

Ram Niwas

..... Appellant

Versus

Jai Bhagwan and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arun Walia, Senior Advocate with
Mr. Himanshu Puri , Advocate
for the appellant.

Mr. Naveen Bhardwaj, Advocate
for respondent No.1.

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).

Learned Senior counsel appearing on behalf of the appellant submits that the appellant-plaintiff is aggrieved of the dismissal of the suit for declaration and permanent injunction that he is adopted son of Pokhar as the plaintiff has examined two witnesses who have categorically stated that they are living as husband and wife. The dispute is with regard to two sets of land one measuring 121 Kanals and other 32 Kanals. But these facts have not been noticed by both the courts below, thus, urges this court to formulate substantial questions of law as carved out in the Memorandum of Appeal.

Learned counsel appearing on behalf of respondent No.1 submits that there is no illegality and perversity in the impugned judgment and decree of both the courts below. The appellant had failed to discharge the onus and in the absence of same, there was no occasion to rebut the same.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no merit in the appeal as the appellant-plaintiff has failed to discharge onus as enshrined under Section 101 of the Indian Evidence Act, 1872 to prove relationship of an adopted son. The statement of other witnesses is against him. No evidence has been lead as per provisions of Section 50 of the Indian Evidence Act, 1872. In the absence of same, rightly so the courts below dismissed the suit.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

March 17 , 2016
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