

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

**RSA No.5036 of 2010 (O&M)
Decided on: 24.05.2016**

Ram Ditta (now deceased) through his LRs

....Appellants

Versus

The Lajpat Rai Co-operative Garden Society Limited and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Parveen Hans, Advocate
for the appellants.

- 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?*

REKHA MITTAL, J.

The present appeal has been directed against the consistent findings recorded by the Courts below whereby suit filed by the appellant has been dismissed by the learned trial Court and the findings recorded by the trial Court have been affirmed in appeal by the Additional District Judge, Hissar vide judgment and decree dated 23.02.2010.

The appellant/plaintiff staked his claim to be owner in possession of land measuring 09 kanals 09 marlas bearing Khasra Nos.421//11 min.(6-0), 16 min (2-0) 456//15(1-9) of Garden Society, Hansi on the basis of resolution dated 22.10.1988 Ex.P14 whereby the respondent-Society decided to give him 40 kanals of land as he was in

cultivating possession of land measuring 120 kanals 11 marlas @ Rs.1,275/- Chakota Sal Tamam, belonging to the respondent-Society.

Counsel for the appellant has submitted that the appellant was given land measuring 30 kanals 15 marlas out of 40 kanals that was agreed to be given to him vide resolution dated 22.10.1988. It is further argued that in the compromise effected between the parties in the previous litigation, the appellant never relinquished his right to land measuring 09 kanals 09 marlas, subject-matter of the present suit. It is further argued that the Courts below have wrongly relied upon compromise dated 24.01.1991 (Annexure A-1) order dated 29.01.1991 (Annexure A-2) and the decree of even date (Annexure A-3) to non-suit claim of the appellant in regard to the suit land.

I have heard counsel for the appellant, perused the paperbook particularly the documents Annexures A-1 to A-3 marked as exhibits during trial.

The appellant filed a suit for declaration that he has been continuing as owner in possession, due to settlement, of agricultural land measuring 40 kanals detailed in headnote of Annexures A-2 and A-3 along with additional area due to right of plot No.43 situated at Hansi, Tehsil Hansi. The said suit was filed by the appellant against Garden Society, Hansi through Sh. Arjun Dass Bhatia, its President. The dispute between the parties was settled by way of compromise dated 24.01.1991 (Annexure A-1). As per the compromise, it was resolved that Ram Ditta is entitled to get incorporate the ownership entries of the abovesaid land measuring 32 kanals 16 marlas in his name in the

revenue record and he will remove his possession and cultivation from land measuring 78 kanals 09 marlas detailed in the compromise. On the basis of compromise Ex.C-1, statements of the parties were recorded and suit of the plaintiff was decreed in terms of written compromise deed Ex.C-1 vide order dated 29.01.1991 passed by the trial Court and on the basis thereof, the decree (Annexure A-3) was drawn in consonance with the order dated 29.01.1991. As the appellant staked his claim to land measuring 40 kanals in the earlier litigation and finally agreed for land measuring 32 kanals 16 marlas detailed in the compromise (Annexure A-1) and accordingly his suit was decreed on the basis of compromise deed Ex.C-1, I do not find any error much illegality in the findings recorded by the Courts below that in view of the decision in the earlier litigation, the appellant cannot claim any further land measuring 09 kanals 09 marlas on the basis of resolution dated 22.10.1988.

In view of the above, no question of law much less a substantial one arises for adjudication.

For the foregoing reasons, the appeal fails and is accordingly dismissed *in limine*.

24.05.2016
yakub

(REKHA MITTAL)
JUDGE