

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2016.03.28 18:04
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RSA No. 1199 of 2011(O&M)

Date of Decision: 21.3.2016

Jagir Singh and others

---Appellants

versus

Ajit Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Arun Abrol, Advocate
for the appellants

Mr. Ajay Singla, Advocate
for respondents No. 1 to 5

1. Whether Reporters of local papers 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?

Rekha Mittal, J.

CMNo. 3257-C of 2011

Prayer in this application is for condoning delay of 8 days in re-filing the appeal.

In view of averments in the application and arguments advanced by counsel for the appellants, the application is allowed and delay of 8 days in re-filing the appeal is condoned.

RSA No. 1199 of 2011

The present appeal has been directed against the consistent findings recorded by the courts below whereby suit filed by the appellants-plaintiffs was dismissed by the learned trial court vide judgment and decree dated 18.4.2006 and the findings recorded by the trial court have been

affirmed in appeal decided by the Additional District Judge, Gurdaspur vide judgment and decree dated 10.9.2010.

Counsel for the appellant has submitted that entries in the revenue record qua the suit land were wrongly made in the name of Sh. Chet Singh, the predecessor-in-interest of the respondents and as a consequence, the wrong entries were made in favour of the respondents being the successors-in-interest of said Chet Singh. It is further argued that the suit land measuring 86 kanals 19 marlas, detailed in the head note of the plaint, was actually allotted to the plaintiffs-appellants who migrated from Pakistan during partition of the country.

Counsel for the caveators has contested the prayer of the appellants and supported the judgments passed by the courts below with the submissions that the same are based upon detailed and well considered appreciation of the matter in controversy in the light of materials on record. The appellants have failed to adduce any evidence to substantiate their plea of being the owners of the suit land or the entries in the revenue record in favour of the respondents either being wrong or liable to be corrected.

I have heard counsel for the appellants, counsel for the caveators and perused the records.

The appellants staked their claim to be owners in possession of the suit land measuring 86 kanals 19 marlas situated at village Kala Nangal, Tehsil and District Gurdaspur as per jamabandi for the year 1988-89 with consequential relief of injunction restraining defendants No. 1 to 5 from transferring the suit land in any manner whatever. It is further averred that

name of Chet Singh who died in the year 1949-50 was wrongly entered in the jamabandi as Chet Singh was having no share in the suit land nor any land was allotted to him in village Kala Nangal as he was residing in Ajnala.

The plea of the appellants in regard to allotment of the suit land in the name of appellants does not get substantiated from any evidence on record. Counsel for the appellants has been fair enough to concede that there is no allotment order produced on record in order to prove that suit land was allotted in favour of the appellants in lieu of any land left behind by them in Pakistan. There is no materials on record to establish that the appellants, in any manner whatever, became owner of the suit land to claim ownership and possession of the land in dispute. In this view of the matter, I do not find any reason to differ with the well considered judgments passed by the Courts below when otherwise no question of law much less a substantial one arises for adjudication.

For the reasons aforestated, finding no merit, the appeal is dismissed in limine.

(Rekha Mittal)
Judge

21.3.2016
PARAMJIT