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

**RSA-157-2012 (O&M)
Date of decision : 10.03.2016**

Kohar Singh and others

...Appellants

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. O.P. Sharma, Advocate
for the appellants.

Mr. D.K. Mittal, DAG, Haryana.s

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 appellants-plaintiffs are aggrieved of the concurrent findings of fact, whereby the suit claiming declaration that they have become owners by virtue of the provisions of Sections 5 and 8 of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952, has been dismissed.

Mr. O.P. Sharma, learned counsel appearing on behalf of the appellants submits that both the Courts below have committed illegality and perversity in dismissing the suit as documents Ex.P1 to P-5 proved that the possession of the appellants-plaintiffs had been more than 20 years since

forefathers on the nominal rent. As per jamabandi, their *batai* was 1/3rd of the nominal rent, despite that the suit has been dismissed.

Mr. D.K. Mittal, DAG, Haryana submits that there is no illegality and perversity in the judgment and decree and prays for dismissal of the appeal as no substantial question of law arises for determination.

I have heard the learned counsel for the parties and appraised the paper book and of the view that documents Ex.D1 and D3 established that Chandu i.e. father of the appellants-plaintiffs was not in possession since 1993, thus, right to claim the ownership on the basis of the occupancy rent did not subsist.

Keeping in view the aforementioned facts and circumstances, I do not find any illegality and perversity in the impugned judgment and decree, much less, no substantial question of law arises for determination and accordingly, the appeal is dismissed.

10.03.2016
yogesh

(AMIT RAWAL)
JUDGE