

225

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 21.04.2016

1.

RSA-3894-2012 (O&M)

Sakir @ Sabbir

... Appellant

Versus

General Public

... Respondent

2.

RSA-3996-2012 (O&M)

Sabbir @ Moosa

... Appellant

Versus

General Public

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.S. Hooda, Advocate
for the appellant(s).

None for the respondent.

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)

This order of mine shall dispose of two appeals bearing **RSA**
No.3894 of 2012 titled as **“Sakir @ Sabbir V/s General Public”** and **RSA**
No.3996 of 2012 titled as **“Sabbir @ Moosa V/s General Public”**.

The appellant(s) are aggrieved of the dismissal of the suit, whereby the declaration was sought on the fact that his name is Sakir @ Sabbir in place of Sabbir and the revenue entry in the revenue record corrected/rectified.

Mr. J.S. Hooda, learned counsel appearing on behalf of the appellant submits that the suit was filed against the general public, however, both the Courts below declined the relief on account of that no family member was examined neither the Lumberdar has been produced. Though the trial Court formed an opinion that the suit in the name of Sakkir @ Sabbir had been filed, but the lower Appellate Court found that it was an apparent error and therefore, the suit was not filed by the Sakkir @ Sabbir, thus, urges this Court to formulate the substantial questions of law as carved out in the memorandum of appeal.

A publication was ordered to be effected against the general public, but there is no representation on their behalf. Accordingly, I proceed to decide the appeals on merits.

I have heard the learned counsel for the appellant(s) and appraised the paper book and of the view that the plaintiff(s) have to stand on his own legs, whereas in the instant case, miserably failed to discharge the onus. Nothing prevented him to examine the family members, much less, some voter cards or other documents to contend that Sakkir @ Sabbir son of Summer, is not Sabbir. In the absence of the evidence, I am of the view that both the Courts below have rightly declined the relief, therefore, appeal does not warrant any interference.

Keeping in view the facts and circumstances of the case, no ground is made out for interference in the judgment and decree of both the

Courts below, much less, no substantial question of law arises for determination.

Accordingly, the appeals are dismissed.

21.04.2016
yogesh

**(AMIT RAWAL)
JUDGE**