

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

RSA No.4530 of 2012 (O&M)

Date of decision : 20.10.2016

Bhulla Ram and others

...Appellants

Versus

Anti Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Mahavir Sandhu, Advocate for the appellants.

Mr. Deepak Sharma, Advocate for respondent(s).

AMIT RAWAL, J. (Oral)

The appellants-plaintiffs are aggrieved of the dismissal of the suit seeking declaration to the effect that plaintiffs and defendant No.8 are absolute owners in possession of 39 kanals 13 marlas of land situated at Village Raipur Rani, Tehsil and District Panchkula and as well as for declaration for correction of entries in the jamabandi and other revenue record by substituting the name of the plaintiffs and proforma defendant No.8 in place of the name Joti Ram and defendants along with consequential relief of injunction, has been dismissed by both the Courts below.

Mr. Mahavir Sandhu, learned counsel appearing on behalf of appellants-plaintiffs submits that their father Kura Ram was a tenant under

Rao Pirthi Singh son of Rao Baldev Singh of the aforementioned Village. Under the Bhudan movement, the suit land, besides other land of Rao Prithi Singh was gifted to the said Board i.e. Punjab Pepsu Bhudan Board. Vide allotment letter dated 12.12.1957 which was allotted to the appellant namely Kura Ram son of Thumki. However in Misal Haquiat of 1957, name of Joti Ram real brother of Kura Ram was wrongly entered. Though suit for correction of the same was filed in the year 2002. Courts below have committed illegality and perversity in not examining allotment letter dated 12.12.1957 which shows the allotment in favour of Kura Ram son of Thumki only. It is in this aspect of the matter, suit aforementioned was filed as plaintiff has remained in disputed possession till filing of the suit.

Per Contra, Mr. Deepak Sharma, learned counsel appearing on behalf of respondent(s) submits that suit aforementioned was expressly barred by law of limitation for in the year 1990, both the brothers namely Kura Ram and Joti Ram got compensation owing to the damage caused to crop, thus, urges this Court for affirming the concurrent findings under challenge as there is no illegality and perversity.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit in the submission of Mr. Mahavir Sandhu, for, allotment letter has not been proved on record as it does not bear any stamp. Suit was also not maintainable on account of mis-joinder and non-joinder of the parties. Nothing prevented the appellants to summon the record from the concerned Board to prove this fact i.e. register maintained by the Board for allotment. Compensation has not been denied. All these fact reveals that appellants-

plaintiffs sought relief by filing the suit. Filing of the suit is nothing but an Act of greed.

For the reasons aforementioned, I do not intend to differ with the concurrent findings of fact.

Accordingly, present appeal is dismissed.

20.10.2016

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No