

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

Regular Second Appeal No.88 of 2012 (O&M)

Date of decision: 8.8.2016

Jagat Singh

... Appellant

Versus

Hari Kishan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Naveen Batra, Advocate,
for the appellant.

Mr.Gaurav Sharma, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is aggrieved of the dismissal of the suit seeking declaration in respect of the land measuring 8K-11M Khewat No.376, Khatauni No.494, Khasra No.1055/739 min as per jamabandi for the year 1992-93 situated in revenue estate of Anandpur Sahib claiming ownership and possession though the consequential relief of injunction has been declined by the learned trial court upheld in appeal.

Mr.Naveen Batra learned counsel appearing on behalf of the appellant-plaintiff contends that both the courts below have misdirected in not reading documentary evidence in its correct perspective inasmuch as that the entries regarding the nature of land as “*Abadi Deh*” was in ownership of the predecessor-in-interest of the plaintiff. For correcting the

aforementioned entry, the suit was filed. He submits that prior to consolidation, Khasra No.966, 967, 971 and 972 was recorded in ownership of Kiroo Ram son of Chanda Singh and after consolidation, it formed new Khasra bearing No.793 and was recorded as *Abadi Deh*. Although the predecessor of the plaintiff continued to remain in possession as owner of the said *Abadi Deh* land and none other than the plaintiff had any concern with the suit land. Mere mentioning of *Abadi* in the column of ownership cannot deprive the plaintiff seeking ownership and possession. Defendant No.1 is a very clever person who deals in property and with the connivance of the revenue officials got his name recorded in the revenue record. The Courts below heavily relied upon the jamabandi for the year 1912-13 to form an opinion than one sought to be set aside. He submits that respondent No.1 is contesting respondent.

Learned counsel appearing on behalf of the respondents submits that the stand of the defendant before the Court below was that the plaintiff was neither owner nor in possession of the property whereas the defendant had been in possession of the same more than 20 years. The suit was barred by law of limitation as in the entries from 1912-13, the nature of the land had been shown as *Abadi deh* whereas the suit has been filed on 13.8.1997 and concurrent findings of fact cannot be interfered with.

I have heard the learned counsel for the parties and perused the paper-book and found that there is no force in the merit of the submission of Mr.Batra as the plaintiff for claiming aforementioned relief relied upon jamabandi for the year 1982-93 Ex.P7 and 1908-09 Ex.P5. Khasra Pamaish Ex.P4 shows old Khasra No.1971 min formed new khasra No.739 after

consolidation. No explanation has come forth with regard to the nature of the land from 1912-13 to 1992-93 Ex.P6, D3 and D4.

For the reasons aforementioned, I am of the view that the judgment and decree under challenge are based upon appreciation of oral and documentary evidence and I do not find any illegality and perversity muchless no substantial question of law arises for consideration. No interference is warranted. Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 8, 2016
Paritosh Kumar

Whether speaking/reasoned : Yes

Whether reportable : Yes/No