

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:18.3.2016

RSA No.1263 of 2013

Jasbir Singh

---Appellant

vs.

Kapoor Singh

---Respondent

RSA No.1439 of 2013

Jasbir Singh

---Appellant

vs.

Kapoor Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Raj Kumar Kakkar, Advocate
for the appellant

Mr. Gurmit Singh, Advocate
for the respondent

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.

This order shall dispose of RSA Nos. 1263 and 1439 of 2013
as these have emerged out of common judgment dated 16.11.2012 passed by
the Additional District Judge, Ferozepur.

Kapoor Singh son of Hazara Singh filed a suit for permanent injunction restraining the defendant namely Jasbir Singh son of Kapoor Singh from interfering into lawful possession of the plaintiff over land measuring 47 kanals 16 marlas situated at village Machhi Bugra as per jamabandi for the year 2000-01, described in detail in para 1 of the judgment passed by the trial court. The plea of the respondent-plaintiff is that he is owner in possession of the suit land and the defendant-appellant, his son is addicted to bad habits and is out of his control. The defendant is trying to dispossess the plaintiff from the suit land and he has no right or concern with the land in dispute.

The appellant-defendant filed the written statement alleging that the suit land is joint Hindu family property in the hands of plaintiff and defendant. The answering defendant is in possession of land comprised Rectangle No. 44 killa No. 7(8-0) and killa No. 6/2(3-0) out of suit land. He has constructed his house and is residing there with his family in killa No. 7 (8-0) and remaining land of said killa is in his cultivating possession.

On due consideration of pleadings of the parties, issues framed for determination, submissions made by their respective counsel, the learned trial court decreed suit of the respondent/plaintiff except qua rectangle No. 44 killa No. 7 (8-0).

The judgment and decree passed by the trial court came to be challenged by filing separate appeals by the appellant and the respondent. The appellant expressed his grievance qua non acceptance of his claim in respect of killa No. 6/2(3-0) whereas the respondent had a grievance against non-suiting his claim qua rectangle No. 44 killa No. 7 (8-0). Both the

appeals were decided by the Additional District Judge, Ferozepur vide common judgment and decree dated 16.11.2011 whereby the appeal preferred by Kapoor Singh respondent was partly allowed and the appellant was restrained from interfering in peaceful possession of the plaintiff over the suit land except portion of killa No. 7 where Jasbir Singh has constructed his residential house and residing with his family. On the other hand, the appeal preferred by appellant Jasbir Singh was dismissed being without merit.

Feeling aggrieved of the aforesaid, appeals have been preferred by Jasbir Singh.

Counsel for the appellant, on a pointed query raised by the Court is fair enough to inform that entries in the revenue record in regard to possession of the entire suit land measuring 47 kanals 16 marlas are in favour of Kapoor Singh, father of the appellant. Concededly, there is no dispute between the parties in regard to ownership of the suit land. On the contrary, there is no material on record to substantiate plea of the appellant that suit land is joint Hindu family coparcenary property. It is not the plea that the judgment and decree passed by the appellate court is either based on misreading of evidence or based on no evidence. Counsel has further failed to raise a question of law much less a substantial one that requires adjudication. In view of the above, I do not find any reason to interfere in the judgment and decree passed by the first appellate court modifying the judgment and decree passed by the trial court in favour of the respondent.

In view of what has been discussed hereinabove, finding no

merit, the appeals are dismissed. No order as to costs.

(Rekha Mittal)
Judge

18.3.2016
paramjit