

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

RSA No.1733 of 2013 (O&M)

Date of decision:27.07.2016

Mandir Gobind Dass Ji

... Appellant

Vs.

Amritsar Improvement Trust and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. K.S.Rekhi, Advocate
for the appellant.**

AMIT RAWAL J. (Oral)

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, relief seeking declaration qua ownership and title of the property, with a further declaration that defendant No.1 is neither owner nor have any title in the property, has been dismissed by both the Courts below.

Mr. K.S.Rekhi, learned counsel appearing on behalf of the appellant-plaintiff submits that khasra number/suit property was not acquired by the Improvement Trust. It was only part of the land which was acquired. The Courts below have erroneously relied upon the notification and found that no declaration qua acquisition has been sought. He further submits that declaration qua khasra acquired was never challenged, therefore, findings rendered by both the Courts below are totally erroneous and perverse.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that appellant-plaintiff has failed to bring on record any documentary evidence, much less, revenue record to show the ownership of khasra number. Only oral evidence was led. In my view, the appellant-plaintiff has failed to discharge the onus as per the provisions of Section 101 of Indian Evidence Act. Even otherwise, suit aforementioned tantamounts to challenging of acquisition which is not permissible in law in view of the law laid down by the Hon'ble Supreme Court in **State of Punjab vs. Amarjit Singh 2011 (14) SCC 713**.

In view of the aforementioned observations, in my view, the judgments and decrees rendered by both the Courts below do not warrant any interference as the same are based upon the appreciation of oral and documentary evidence.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below. No substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

July 27, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No