

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

C.M. NOS.3264-3266 C OF 2016 &

R.S.A. NO.1164 OF 2016

DATE OF DECISION: MARCH 31, 2016

Piyare Lal and others

.....Appellants

VERSUS

Sumitra Devi and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr. Vipin Yadav, Advocate,
for the appellants.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.3264 C of 2016

Present is an application for condonation of delay of 99 days in
refiling the appeal.

As per the counsel the said delay has occurred as after raising
of some objections by the Registry, inadvertently, the paper book was got
tagged with the other case files. The said application is duly supported by an
affidavit of the counsel.

In view of the above, the application is allowed and delay of 99
days in refiling the appeal stands condoned.

C.M. No.3266 C of 2016

Application is allowed.

Exemption is granted from filing the certified copy of the judgement and decree dated 22.04.2014 passed by Civil Judge (Junior Division), Rewari.

C.M. No.3265 C of 2016 & R.S.A. No.1164 of 2016

Challenge in this appeal is to the judgement and decree dated 22.04.2014 passed by the Civil Judge (Junior Division), Rewari, whereby the suit of the appellant-plaintiffs was dismissed, where a decree for suit for permanent injunction was prayed for, restraining the respondent-defendants from interfering in their possession, appeal against which preferred by the appellant-plaintiffs has been dismissed by the Additional District Judge, Rewari, on 22.07.2015.

It is the contention of learned counsel for the appellants that the appellant-plaintiffs were in possession of the suit land for the last more than 100 years since the time of their forefathers as *gairmaurusi* and still they are in possession. Counsel further contends that since the possession of the appellant-plaintiffs was being threatened by the respondent-defendants, they filed a suit. Submission has been made that merely because the appellant-plaintiffs are not residing in the village itself, would not mean that they are not in possession of the suit land and, thus, the findings, as recorded by the Courts below, cannot sustain and, deserve to be set-aside.

I have considered the submissions made by learned counsel for the appellants and with his assistance have gone through the judgements but cannot accept the said submissions.

The revenue record, which has been placed on record, does not

show the appellant-plaintiffs to be in possession of the suit land. The possession was with Shri Ram. The suit, which has been preferred by the appellant-plaintiffs and that too for injunction, has, thus, been rightly rejected as they are nowhere shown to be in possession of the suit land. Further, on the basis of the record, it has been held that they are not residing in the village and, therefore, their assertion that they are in possession of the suit land could not be accepted by the Courts below. Still further, no pedigree table has been placed on record, which would show that forefathers of the appellant-plaintiffs were in possession of the said land. The report of the Local Commissioner has also gone against the appellant-plaintiffs. The cumulative effect of the above position has correctly resulted in dismissal of the suit preferred by the appellant-plaintiffs.

No other point has been argued by learned counsel for the appellant-plaintiffs.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.3265-C of 2016 for staying the operation of the impugned judgements and decree is also dismissed.

March 31, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE