

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

**RSA No.1376 of 2016 (O&M)
Date of decision:15.07.2016**

Chamkor Singh and another

... Appellants

Vs.

Gram Panchayat Tatiana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. A.S.Dhindsa, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

Appellant-plaintiffs are aggrieved of the concurrent findings of the facts and law, whereby, suit seeking declaration for setting aside of the judgment and decree dated 27.03.2002 and consequential relief of permanent injunction for forcible interference in possession, has been dismissed by both the Courts below.

Mr.A.S.Dhindsa, learned counsel appearing on behalf of the appellant-plaintiffs submits that defendant No.2, namely, Arjun Singh (since deceased) had inducted Baljit Singh, his real uncle into possession of the suit property in the year 2003 onwards. The plaintiffs have been given the possession of the land by way of lease. The resolution and rent receipts have

been placed on record. Though the lease was only for a period of one year but it continued as the Gram Panchayat was in possession of the land. The khasra girdawaris are though reflected in the name of defendant No.1 but the entries were made at the back of the plaintiffs. Both the Courts below have discarded the aforementioned evidence and have dismissed the suit and thus, urges this Court for setting aside of the impugned judgments and decrees of the Courts below.

I have heard learned counsel for the appellant-plaintiffs and appraised the impugned judgments and decrees of the Courts below and of the view that there is no merit and force in the submissions of Mr. Dhindsa, for, alleged possession except the rent receipts and resolution, with no other documentary evidence has been produced on record. On the contrary, khasra girdawari shows Arjun Singh was in possession thereof. Even possession of Baljit Singh has not been proved. The judgment and decree passed in favour of defendant No.2 against the Gram Panchayat was not challenged by the Gram Panchayat and had attained finality. Lease was only for a period of one year without being any possession. The alleged payment of ₹25,000/- has not been proved and rightly so, both the Courts below have dismissed the suit.

However, an attempt has been made to place on record an order of ejectment, i.e., register of patwari. If at all such position had occurred, it is the Gram Panchayat, who shall be at liberty to take the possession, therefore, the plaintiffs have no locus standi, to

place on record the documents by way of additional evidence as it would not help the Court in adjudication of the lis.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

July 15, 2016
savita