

RSA No. 1736 of 2016

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1736 of 2016(O&M)

Date of decision : May 28, 2016

Sita Ram and another

..... Appellants

Versus

Smt. Rajbala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. Sumit Sangwan, Advocate
for the appellants.**

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

Amit Rawal, J (oral).

The appellants-plaintiffs are aggrieved of the dismissal of the suit seeking ejectment of the defendants from the suit property.

Learned counsel appearing on behalf of the appellants submits that plaintiffs instituted the suit for ejectment of the defendants who are stated to be in illegal possession of the land measuring 200 sq.yards i.e.6-2/3 Marla shown in the site plan situated in Mustil and Killa No. 112/19/2, land measuring 6 Kanals 15 Marlas in Khewat No. 1157, Khatoni No. 1245 as per jamabandi for the year 1999-2000 being ownership of the plaintiffs and also two sale deeds dated 20.8.1996 and 30.4.2004 allegedly executed by defendant No.3 in favour of defendant 4 and

defendant No.4 in favour of defendant No.1.

He further submits that the defendants allegedly claimed ownership of the property by virtue of other sale deed but the fact remains that the property was of different identity not the one of which ejectment was sought. In this regard PW-1, Rajpal Draftsman, PW-2 Sri Bhagwan Registry Clerk, PW3, Uday Singh Deed writer, PW4, Vijay Singh draftsman PW5 Sukhi Ram, PW-6 Sita Ram-PW7 were examined and documentary evidence proved that the property was not the one as referred to in the sale deed, thus both the courts below erroneously declined the relief, thus urges this Court for formulating substantial questions of law as carved out in the Grounds of Appeal.

I have heard learned counsel for the appellant and appraised the paper book and of the view that plaintiffs have miserably failed to discharge the onus as enshrined under Section 101 of the Evidence Act, 1872 to co-relate the description of the property referred to in the sale deed with the revenue record to belie the stand of defendants. Having failed to prove the same Courts below had no occasion but to render a finding that the defendants are bona fide purchasers, therefore the suit for ejectment would lie.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

May 28 , 2016
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