

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

RSA No.2106 of 2016 (O&M)

Date of Decision.01.09.2016

Jaspal Singh and another

.....Appellants

Vs.

Sukhjit Singh and another

.....Respondents

Present: Mr. H.S. Bhullar, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The appellants-plaintiffs are aggrieved of the dismissal of the suit seeking declaration that the Gram Panchayat Village Pindi Balochan is owner in possession of the land measuring 30 kanals 7 marlas as described in the head note of the suit by challenging the judgment and decree dated 08.12.2007.

Mr. H.S. Bhullar, learned counsel appearing for the appellants submits that both the Courts below have committed illegality and perversity in dismissing the suit as umpteen documentary evidence had been brought on record to show that the property was *shamlat deh* and it was kept for common use of inhabitants of the village. The question arose before the Courts below was whether the Gram Panchayat can alienate the same or not, much less, the exchange the property. The judgment and decree obtained by the defendants was based upon fraud and in this regard, FIR was also registered. All these facts escaped notice of the Courts below, thus, urges

this Court for setting aside of the judgments and decrees passed by the Courts below by formulating the substantial questions of law as drawn in the memorandum of appeal.

I have heard learned counsel for the appellants, appraised the paper book and of the view that in the previous suit bearing No.99 dated 7.5.2007, the appellants had moved an application for becoming party but did not pursue the same, resulting into judgment and decree dated 08.12.2007 and they cannot volt face by challenging the same by filing the suit in January, 2008. In my view, the ingredients of Order 6 Rule 4 CPC had not been proved, much less, pleaded. The aforementioned judgment and decree has attained finality. All these factors weighed in the mind of the Courts below while appreciating the evidence.

For the foregoing reasons, I do not find any illegality and perversity in the judgments and decrees passed by the Courts below as the same are based upon correct appreciation of oral as well as documentary evidence, much less, no substantial question of law arises for consideration. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 01, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No