

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

RSA No.2185 of 2016
Date of decision : 13.07.2016

Ram Kumar through LR's and another

...Appellants

Versus

Radhey Shyam and others

...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. Manoj Chahal, Advocate for the appellants.

AMIT RAWAL, J. (Oral)

CM No.5727-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 36 days in filing the appeal is condoned.

Application stands allowed.

Main Case

The appellant-plaintiff is aggrieved of the judgment and decree rendered by both the Courts below, whereby claim for declaration and consequential relief of permanent injunction for setting up the title under Section 3 of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act 1952 and Sections 5 and 8 of Punjab Tenancy Act, 1887 has been

declined.

As per the evidence brought on record, appellant has failed to prove on record the possession, much less, ingredients of Section 5(1) and 5 (2) of 1887 Act. In the absence of the same, declaration could not have been granted and rightly so Courts below had not entertain the claim of the appellant.

Judgment and decree of both the Courts below are based upon appreciation of oral and documentary evidence, much less, no substantial questions of law arises for determination.

Dismissed.

13.07.2016

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**(AMIT RAWAL)
JUDGE**