

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.2540 of 2016

Date of Decision: December 15, 2016

Barjinder Singh

...Appellant

Versus

Ishar Singh (deceased) through L.Rs

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.B.S.Guliani, Advocate,
for the appellant.

Mr.Aminder Singh, Advocate,
for respondents No. 1(b) and 1(c).

AMIT RAWAL, J. (Oral)

In pursuance of the order dated 16.9.2016, the matter was referred to the Mediation and Conciliation Centre of this Court and with the efforts of the Mediator, the controversy between the parties has been set at rest, which has been reflected in the report of the Mediator dated 20.10.2016. In pursuance thereof, the suit of the appellant seeking following relief, would impliedly be decreed:-

“Suit for declaration to the effect that notwithstanding anything contained to contrary in the revenue record, by virtue of open, hostile, peaceful, continuous and un-interrupted possession to the knowledge of the defendant for the period exceeding 12 years, the plaintiff has become owner in possession of land measuring 46 kanals 18 marlas comprised of Rect. no.21 Killa no.1 (8-0), 10 (7011), 11/1 (0-18), Rect.no.22 Killa no.5 (8-0), 6 (7-19), 13/2 (0-7), 14 (7-7), 15 (6-16), khewat no.679 khatoni no.1063 according to the jamabandi for the year

Regular Second Appeal No.2540 of 2016

2004/2005 situated within the revenue estate of village Lakhewali Mutsil Kabulshah Khuban Hadbast No.252 Tehsil Fazilka, with consequential relief by way of permanent injunction restraining defendant from causing forcible, illegal and unauthorized/unwarranted interference into peaceful, continuous, hostile, open, adverse and un-interrupted cultivating possession of the plaintiff over the land referred to above..... on the basis of oral and documentary evidence of all kinds as required and found necessary.”

In view of the aforementioned fact, the judgments and decrees of the Courts below are set-aside. The suit of the appellant is decreed. The terms of the compromise be made part of the order. Decree-sheet is ordered to be prepared.

Regular Second Appeal stands disposed of.

December 15, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No