

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

RSA-1805 of 2015 (O&M)

Date of decision: 24.02.2016

Mukhtiar Singh and others

...Appellants

Versus

Hardeep Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Nagra, Advocate
for the appellants.

Jitendra Chauhan, J. (Oral)

The suit for declaration filed by the plaintiffs/appellants was dismissed, vide judgment and decree dated 05.09.2012, by the trial Court.

2. Aggrieved against the findings of trial Court, the plaintiffs/appellants filed an appeal which was dismissed by the learned Appellate Court, vide judgment and decree, dated 20.11.2014.

3. The 1st Appellate Court affirmed all the findings recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record, hence, the

instant appeal has been filed at the behest of the plaintiffs/appellants.

4. The learned counsel for the appellants submits that the appellants are in possession of the suit land. The entries in the jamabandi being against the record, he refers to Ex.P1, the jamabandi for the year 2000-01, to contend that in column No.5, appellant Mukhtiar Singh has been shown in possession of the suit land situated in khasra No. 42//5/2, 6/1. However, he stands dispossessed on the basis of jamabandi Ex.P2 for the year 2005-06 wherein defendants No.17 and 18 have been shown in possession of 6 kanals and 10 marlas of land. The appellants have admitted the possession of defendant/respondent No.1 over 2 kanals and 4 marlas. The learned counsel further contends that the defendants had already admitted that the appellant Mukhtiar Singh is in possession of the suit property.

5. Heard.

6. The appellants have claimed possession of the suit land in question on the basis of the jamabandi for the year 2000-01, wherein in column No.5, the appellant, Mukhtiar Singh has been shown to be in possession of the suit land as Gair Marusi and in column No.9, it has been mentioned as 'Gair Marusi

Tasawar Faq'. However, apart from the above entries there is nothing on record to show that he is in possession of the suit land and that redemption has been sanctioned in his favour. The entry only depicts Gairmarusi and Tasawar Faq. The defendant No.1 against whom the appellant had withdrawn the claim had also stated that the entries in the jamabandi are correct and therefore, the appellants are not entitled to any relief against him. Further, perusal of Ex.D1, the jamabandi for the year 1960-61 shows that the mutation No. 563, column No.12 bears an entry that redemption of mortgage has been registered but it has not been finally decided, which suggests that there is no final decision on the redemption. The plaintiffs/appellants have not brought on record any order or final decision on the mutation for redemption of mortgage. Therefore, in the considered opinion of this Court, no law point is involved in the present appeal and the view taken by the Courts below is correct as per record. This Court is not inclined to interfere in the concurrent findings of facts. Accordingly, no interference in the well reasoned judgments is called for.

Dismissed.

24.02.2016

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(JITENDRA CHAUHAN)
JUDGE