

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

RSA-2511-2015 (O&M)

Date of decision: 29.01.2016

Harkesh Singh

...Appellant(s)

Versus

Gram Panchayat, Village Jaid and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the appellant(s).

JITENDRA CHAUHAN, J.

CM-6529-C-2015

Heard.

Delay of 226 days in re-filing the appeal is condoned.

CM-6531-C-2015

Heard.

Delay of 27 days in filing the appeal is condoned.

RSA-2511-2015 (O&M)

The instant regular second appeal has been preferred against the judgment and decree dated 13.02.2013, passed by the learned Civil Judge (Junior Division), Phul (for short, 'the trial Court'), whereby, the suit of the plaintiff-appellant has been

dismissed; and judgment and decree dated 09.05.2014, passed by the learned Additional District Judge, Bathinda (for short, the first Appellate Court), whereby, the appeal preferred by appellant against the impugned judgment and decree dated 13.02.2013, of the trial Court, has been dismissed.

The plaintiff filed suit for permanent injunction restraining the defendant from interfering in his peaceful possession over the suit land. The learned trial Court dismissed the plaintiff's suit with the finding that the appellant failed to lead any evidence on record to prove his possession over the suit property.

The learned first Appellate Court affirmed all the findings recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record and dismissed the appeal of the plaintiff vide impugned judgment and order dated 09.05.2014.

Hence, this appeal at the behest of the plaintiff.

Learned counsel for the appellant has submitted that the learned Courts below fell in error by not relying upon the Jamabandi for the year 2003-04 and Khasra girdawari. The property is under the cultivating possession of the plaintiff/appellant since time immemorial.

I have heard learned counsel for the appellant and gone through the case file.

In the present case, the plaintiff has placed reliance on the jamabandi for the year 2003-04 and the Khasra Girdawari from the years 1994 till 2004. However, a perusal of both these documents reveals that the Gram Panchayat is the owner of the suit property, though, Baldev Singh is shown in cultivating possession. Except this, there is no other evidence on record to prove the possession of the plaintiff. On the contrary, once the ownership of the property vests with the Gram Panchayat, it becomes a public property and possession of such property is no possession in the eyes of law.

In view of the above discussion, this Court does not find any perversity with the findings returned by the learned Courts below, which call for any interference by this Court. No question of law, much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

29.01.2016

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(JITENDRA CHAUHAN)
JUDGE