

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3870 of 2015
Date of decision : January 12, 2016

Bimla and another

..... Appellants

Versus

Gian Chand (since deceased) through L.Rs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R. S. Madan, Advocate
for the appellants.

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?

Amit Rawal, J (oral).

The appellants-plaintiff Nos. 4 and 6 are in Regular Second appeal against the concurrent finding of fact whereby the suit for possession, in respect, of land measuring 34 Kanals 15 Marlas of the suit property explained in the plaint, has been dismissed.

Learned counsel appearing on behalf of the appellants submits that both the courts below have committed illegality and perversity in dismissing the suit inasmuch as that Punnu Ram was owner in possession of the agricultural suit land, who died on 16.2.1964 leaving behind his widow Smt. Sita Devi, son Sukhdayal and daughter Smt. Dharmo Devi, thus, all the aforementioned persons inherited the aforementioned property in equal shares i.e. 1/3rd share each but they did not approach the

Village Patwari to get the mutation transferred into their names, therefore, name of Punnu Ram continued in the revenue record. Sita Devi also died in 1973, leaving behind two legal heirs who became owners of the said land in equal shares. Sukhdayal also died in the year 1996 leaving behind the plaintiff as his legal heir to claim the share. The aforementioned land was allotted to Punnu Ram son of Jesa Ram being a displaced person from West Pakistan. However, in the jamabandi there is another person by name Punnu Ram son of Juma Ram and the entry in the revenue record is in his favour. By taking advantage of the same it got wrongly described in column of ownership of the jamabandi for the year 1970-71 the name Punnu Ram son of Juma Ram and therefore the subsequent Will alleged to have been executed was challenged by seeking possession on the basis of title.

I have heard learned counsel for the appellant and appraised the paper book.

It is a settled law that the onus to prove the aforementioned entry was upon the appellant-plaintiff. The appellant-plaintiff has failed to prove the ownership of plot in favour of Punnu Ram son of Jesa Ram. Since no record has been proved, therefore mutation in favour of Punnu Ram son of Juma Ram and subsequent sale deeds in favour of Punnu Ram son of Juma Ram cannot be set aside in the absence of direct and cogent evidence merely on bald averment.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and

documentary evidence. I do not find any illegality or perversity in the
aforementioned judgments and decrees of the courts below.

No substantial question of law arise for
determination by this Court.

In view of what has been observed above, the
appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

January 12, 2016
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