

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

**Regular Second Appeal No.5301 of 2016 (O&M)
Date of Decision: 06.10.2016**

Smt. Gyarsi DeviAppellant
Vs
Gram Panchayat Bardha, and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Shashikant Gupta, Advocate
for the appellant.

RAJ MOHAN SINGH, J.

[1]. Plaintiff-appellant is in Regular Second Appeal against concurrent judgments and decrees passed by the Courts below.

[2]. Plaintiff filed a suit for permanent injunction seeking to restrain the defendants from forcibly dispossessing her from the suit land. Plaintiff claimed that she was entitled to a plot being below poverty line beneficiary as per the Government Scheme, but the Sarpanch of the village because of his political rivalry did not sponsor her candidature in such relief. Husband of the plaintiff approached the higher authorities and in this regard a letter dated 1799 dated 27.12.1995 was sent to BDPO, Mahendergah and thereafter plot was given to the plaintiff in *Khewat* No.407 (min) *Khatoni* No.484 in village Bardha, Mahendergah. Plaintiff further alleged that she remained in uninterrupted possession of the plot in question, however the

Gram Panchayat was adamant to evict her forcibly. The suit came to be filed with this background.

[3]. The claim of the plaintiff was contested by the defendants on the ground that neither any plot was allotted to the plaintiff, nor to her husband and also her name was never figured in the list prepared under the BPL Scheme.

[4]. After appraisal of the evidence, both the Courts below rejected the claim of the plaintiff on the ground that the plaintiff could not lead any evidence to show that she was ever allotted and given possession of the suit property. The photocopy of letter No.1799 could not be proved by the plaintiff in respect of its execution and the same remained as a marked document on record. No reliance was placed on such documents by the Courts below. That document was treated to be wholly insufficient to create any title in favour of the plaintiff. The suit was accordingly dismissed by the trial Court and the order was upheld by the lower Appellate Court.

[5]. In the present appeal, learned counsel for the appellant could not point out any material on record to show that the letter No.1799 dated 27.12.1995 was ever implemented by the respondent Gram Panchayat. No witness was examined from the concerned Department in order to prove execution of the

aforesaid document. The document itself remained as a marked document. Even otherwise as per the document itself, no such factum of allotment can be presumed. There was some intra-departmental information which could not be substantiated or translated into ultimate allotment of the plot in favour of the plaintiff.

[6]. Since there was no evidence on record in respect of possession of the plaintiff, *de horse* the title, no indulgence can be granted in favour of the appellant. No question of law, worth consideration are involved. Since there was no evidence on record question of misreading or mis-appreciating the same does not arise. For seeking injunction, plaintiff was required to prove her case. She was to stand on the strength of her own case.

[7]. In view of no evidence on record, questions of law as framed in para No.8 of the grounds of appeal by the learned counsel for the appellant do not arise at all. This appeal is totally found to be bereft of merit and the same is accordingly dismissed.

October 06, 2016

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes / No

Yes / No