

RSA No.4038 of 2015 (O&M)
Date of Decision: 11.2.2016

Narender Kumar and another

---Appellants

versus

Rohit Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.J.P.Shajrma, Advocate
for the appellants

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present appeal has been directed against the concurrent findings recorded by the courts below whereby the suit filed by Rohit Kumar and others for possession of the suit land, detailed in para 01 of the judgment passed by the trial court, was decreed by the trial court and the findings recorded by the trial court have been affirmed in appeal.

The contesting defendants/appellants had claimed succession to tenancy rights of Mam Raj, the erstwhile tenant on the basis of Will propounded by Narinder Kumar and adoption set up by Mukesh Kumar. Counsel for the appellants has fairly conceded that in the earlier proceedings between the contesting respondents and Mukesh Kumar, the adoption deed propounded by Mukesh Kumar alleging that he is the adopted son of Mam Raj, was rejected and the judgment and

decree passed in those proceedings has attained finality. Narinder Kumar has failed to establish his claim on the basis of testamentary succession to Sh. Mam Raj (since deceased).

Counsel for the appellants is not in a position to point out any error much less illegality in the consistent findings recorded by the courts below when otherwise no substantial question of law, as has been sought to be raised or otherwise, arises in the circumstances of the present case.

For the foregoing reasons, finding no merit, the appeal is dismissed in limine.

(Rekha Mittal)
Judge

11.2.2016
PARAMJIT