

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1436 of 2014
Date of decision : May 9, 2016

Kuldip Singh

..... Appellant

Versus

Harbans singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajeev Dev Sharma, Advocate
for the appellant.

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 appellant-defendant No.2 is aggrieved of the concurrent finding of fact whereby the suit filed at the instance of the respondent-plaintiff claiming possession in respect of the suit land has been decreed by both the courts below.

Learned counsel appearing on behalf of the appellant submits that in view of the partition proceedings Tehsildar was directed to bring the revenue record and area in question was found to be fallen in the share of the appellant-defendant No.2. This fact has not been noticed by both the courts below. The averments qua tenancy and gairmumkin chakki is neither here nor there which is totally contradictory as he is cultivating the land. Once the land is gair mumkin it means that it is not cultivable. Both the courts below

have erroneously decreed the suit, thus urges this Court to formulate substantial questions of law for determination by this Court.

I have heard learned counsel for the appellant and appraised the paper book and of the view that the revenue record reflected the possession of respondent-plaintiff. The trial court has not adjudicated the controversy with regard to the title, which was claimed. The remedy, if any for the appellant-defendant No.2 having acquired the ownership was to seek possession in accordance with law either by setting up a counter claim or by filing a independent suit.

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. There is no 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

May 9 , 2016
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