

RSA No.177 of 2014 (O&M)

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

RSA No.177 of 2014 (O&M)

Date of Decision: March 14, 2016

Krishan

...Appellant

Versus

Manphool

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chanderhas Yadav, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral):

CM No.407-C of 2014

Exemption is granted from filing certified copy of judgment and decree dated 13.06.2011 passed by the Civil Judge (Junior Division), Bahadurgarh, and typed copy of judgment and decree dated 30.09.2013 passed by the Additional District Judge, Jhajjar, and photocopies of the same are taken on record, subject to all just exceptions.

Application stands disposed of.

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Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Bahadurgarh, dated 13.06.2011, whereby, the suit for permanent injunction filed by the respondent-plaintiff restraining the appellant-defendant from

interfering in peaceful possession and title of plot No.117/7/14 measuring 3 marlas i.e. 100 sq. yards, situated within the revenue estate of Bhupania, Tehsil Bahadurgarh, District Jhajjar, stands decreed, appeal against which preferred by the appellant-defendant has been dismissed by the Additional District Judge, Jhajjar, on 30.09.2013.

It is the contention of the learned counsel for the appellant that in the resolution which has been passed by the Gram Panchayat at Sr. No.271 , the name of mother of the appellant, Phoolo wife of Darya, has been mentioned to be a person who would have been recommended for allotment of a plot. He contends that the said list has been sent to the Block Development and Panchayat Office and therefore, the plot in question had been sanctioned and allotted to the appellant which is in illegal possession of the respondent-plaintiff. He contends that the evidence which has been brought on record clearly depicts that the Courts below have gone wrong in returning the finding merely on the basis of the fact that the gift deed has not been produced by the appellant-defendant in the name of his mother or in his own name, which would prove the allotment of the plot in question. He, thus, contends that the judgments and decree as passed by the Courts below, cannot sustain and deserve to be set aside.

On considering the submissions made by the learned counsel for the appellant and on going through the impugned

judgments, I do not find any merit in the contentions as raised by the counsel for the appellant.

The suit which has been filed by the respondent-plaintiff was that his name figures at Sr. No.271 of the list which was attached alongwith the resolution dated 04.12.1993. As per the said list, he was entitled for consideration of the allotment of a plot and the plot in question has been allotted to him and in proof thereof, he has produced the gift deed duly executed in his favour vide which the plot was allotted to him. On the basis of the said gift deed, it is proved that the allotment of the plot is in the name of the respondent-plaintiff. On the part of the appellant-defendant, there is no evidence on record which would indicate that firstly, the resolution where the name of Smt. Phoolo, mother of the appellant-defendant figured, has been forwarded to the Block Development and Panchayat Officer. Further, no proof of allotment of any plot in favour of the appellant-defendant has been produced which would indicate that the plot in dispute or any other plot has ever been allotted to him . Thus, the findings as recorded by the Courts below cannot be faulted with.

No other point has been urged or argued by the learned counsel for the appellant.

A perusal of the impugned judgments would show that the concurrent findings returned by both the Courts below are based on proper appreciation of the pleadings and the evidence brought on record which do not call for any interference by this Court as there is

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no misreading or non-consideration of the material on record nor is there any perversity or illegality in the same.

No substantial question of law arises in the present appeal which requires consideration of this Court. Therefore, finding no merit in the appeal, the same stands dismissed.

March 14, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**