

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

R.S.A. No.1876 of 2014 (O&M)

Date of decision: 11.01.2016

Chuhar Ram

...Appellant

Versus

Swarna Ram

...Respondent

R.S.A. No.1856 of 2014 (O&M)

Chuhar Ram

...Appellant

Versus

Swarna Ram

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sarju Puri, Advocate for the appellant (s).

Jitendra Chauhan, J.

Vide this common judgment, I propose to dispose of the
aforesaid two appeals.

These regular second appeal are directed against the
judgments and decrees dated 30.11.2013, passed by the District
Judge, SBS Nagar, (for short, the 'first Appellate Court') whereby, the
appeals filed by the appellants, against the judgments and decrees

both dated 26.03.2012, passed by the Additional Civil Judge, Sr. Divn., SBS Nagar, (for short, the 'trial Court'), have been dismissed.

The respondent-plaintiff filed a suit for permanent injunction restraining the appellant-defendant from interfering into his peaceful possession over the land measuring 16K-18M out of 19K-18M, bearing Khata No.169/194, Khasra No.27//14/2 (2-10), 28//3 (7-4), 4(8-0), 5/2(2-4) and land measuring 7K-4M bearing Khasra No.28//3, Khewat No.170, Khatauni No.194, situated at Village Garhi Fateh Khan, District Nawanshahr. The learned trial Court vide judgments and decrees dated 26.03.2012 dismissed the suits.

The appeals filed there against by the appellant-defendant were dismissed by the learned first Appellate Court vide judgments and decrees both dated 30.11.2013. The first Appellate Court affirmed all the findings recorded by the learned trial Court.

Hence, these two appeals at the behest of the appellant-defendant.

The learned counsel for the appellant contends that the learned trial Court has erroneously misread the order dated 31.03.2004, passed in favour of the appellant by the competent authority on the application moved by him, whereby khasra girdawari of land bearing khasra No.28//3(7-4), had been entered in the name of the appellant. He further states that the possession of the

respondent over the suit land stands demolished in view of the admissions made by none else but Chaman Lal himself who is alleged to have delivered the possession in favour of the respondent at his asking. The order dated 12.12.2002 was obtained in collusion with Chaman Lal without even impleading the present appellant as a party to the said proceedings for correction of Khasra girdawari. Therefore, the judgments and decrees passed by the learned Courts below are liable to be set aside.

I have heard the learned counsel for the appellant and carefully gone through the entire record on file.

The learned Courts below have passed the judgments and decrees after considering the order dated 12.12.2002, passed by the Collector-IIInd Grade, whereby, the correction of khasra girdawari in the name of the respondent was made. Thereafter, this order has been incorporated vide rapat No.90 dated 25.10.2003 in the revenue record and Hari, 2003 khasra girdawari has been recorded in favour of the respondent and in this khasra girdawari also Punjab Government was recorded as owner of the suit property. Further, there is conveyance deed Ex.P4 vide which the suit land measuring 16 Kanals 18 Marlas has been sold by the Punjab Government to the respondent on payment of Rs.25,350, which is duly registered on 26.05.2010. The order dated 31.03.2004, vide which the appellant has been claiming possession over the land in dispute was set aside

by the Collector vide order dated 11.08.2004. The revenue record also substantiates the case of the respondent. Therefore, this Court feels that the findings recorded by the learned Courts below are well reasoned and no other view is possible.

On consideration, this Court finds that the contentions only relate to the appreciation of evidence. No evidence is shown to have been ignored from consideration. These are pure findings of fact. No question of law much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

11.01.2016

ashok

(JITENDRA CHAUHAN)
JUDGE