

**C.M. Nos.4710-11 C of 2014 &
R.S.A. No.1922 of 2014**

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

**R.S.A. NO.1922 OF 2014 (O&M)
DATE OF DECISION: APRIL 27, 2016**

Nirmaljit Kaur and another

.....Appellants

VERSUS

Nagar Panchayat of village Raja Sansi

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

Present: Mr. Karanjit Singh, Advocate,
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.4710 C of 2014

Application is allowed.

Exemption is granted from filing the certified copy of the judgment and decree dated 08.01.2013 passed by Additional Civil Judge (Senior Division), Ajnala.

C.M. No.4711 C of 2014 and R.S.A. No.1922 of 2014

Challenge in this appeal is to the judgment and decree dated 08.01.2013 passed by the Additional Civil Judge (Senior Division), Ajnala, whereby the suit for injunction, restraining the respondent-defendant, Nagar Panchayat, Village Raja Sansi, from dispossessing and interfering in the peaceful and lawful possession of the appellant-plaintiffs from the land

No.862/1217, stands dismissed on the ground that the appellant-plaintiffs have failed to prove their possession over the suit land. Rather, in the cross-examination, the appellant-plaintiffs have admitted the possession of the Nagar Panchayat over the suit land. Apart from that, the respondent-defendant has been able to prove its ownership and possession over the suit land on the basis of documentary evidence. Further, even the appeal preferred against the said judgment and decree has also been dismissed by the District Judge, Amritsar on 08.10.2013.

It is the contention of learned counsel for the appellants that the findings as recorded by the Courts below are not sustainable as according to the jamabandi for the year 1997-98, possession of the appellant-plaintiffs has been established. He, therefore, contends that it is wrong to conclude that there was no evidence on record, showing the possession of the appellant-plaintiffs. Prayer has, thus, been made for setting-aside the impugned judgments and decree.

I have considered the submissions made by learned counsel for the appellants and with his assistance have gone through the impugned judgments.

Although initially jamabandi for the year 1997-98 showed the possession of the appellant-plaintiffs but in the said jamabandi entries were wrongly made on the basis of a mistake, which was committed by the revenue authorities and on an application moved by the respondent-defendant, the same was corrected and the ownership and possession was shown in the name of the respondent-defendant. The evidence, which has been placed on record, amply proves the said aspect. All through, the possession of the respondent-defendant over the suit land has been

established as per the records produced by it. No evidence has been produced by the appellant-plaintiffs, showing them to be in possession of the suit land. Rather in the cross-examination two of the plaintiffs have themselves admitted the possession of the respondent upon the suit land, although in examination-in-chief, they had asserted their right of possession, apart from ownership also, which was not even pleaded in the plaint. The findings, therefore, as recorded by the Courts below cannot be faulted with.

No other point has been argued by learned counsel for the appellant-plaintiff.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.4711 C of 2015 for staying the operation of the impugned judgments and decree is also dismissed.

**April 27, 2016
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**(AUGUSTINE GEORGE MASIH)
JUDGE**