

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.786 of 2016 (O&M)

Date of Decision: December 16, 2016

Mohan Singh

...Appellant

Versus

Makhan Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

AMIT RAWAL, J. (Oral)

Appellant-plaintiff is aggrieved of the concurrent findings of fact and law, whereby the suit seeking following relief has been dismissed:-

“Suit for permanent injunction to the effect that the defendants may be permanently restrained from in any manner interfering and dispossessing the plaintiff from the land measuring 40K-0M bearing Khata No.31/32, Khasra No.37//23/2, 24, 25, 44//1, 2, 3/1, 45//5 as entered in the jamabandi for the years 2004-05 situate in the area of Village Mirzapur, Tehsil and District Nawanshahar and from harvesting the wheat crop standing therein, sown by the plaintiff and from cutting 200 poplar trees and 100 eucalyptus trees standing in the suit land forcibly and illegally.”

Mr.Karanjit Singh, learned counsel for the appellant-plaintiff submits that the Kanungo appointed by the Court for determination, namely, Harpal Singh has not done the demarcation as per the High Court Rules and Regulations. The demarcation is lacking installation of pucca points. The appellant-plaintiff is in cultivating possession of suit land bearing khasra

Nos.37//23/2, 24, 25, 44//1, 2, 3/1, 45//5, whereas the respondent-defendants were owners in possession of land bearing khasra Nos.37//16, 17, 18, 38//20/1, 38//20/2, therefore, the report of the demarcation heavily relied upon by the Courts below could not have been looked into as the same reveals that the alleged trees erected are on the land belonging to the defendants and the findings are not sustainable in the eyes of law and, thus, there is illegality and perversity.

I have heard the learned counsel for the appellant-plaintiff, appraised the paper book and of the view that there is no force and merit in the submissions of Mr.Karanjit Singh, for, if at all the appellant-plaintiff was aggrieved of the report of the Kanungo, he could have sought the assistance of the other Kanungo in order to enable the Courts to form an opinion. Demarcation was done in the presence of the parties. No objection was raised at that time.

In my view, the findings arrived at by the Courts below relying upon the Kanungo's report are perfectly correct and justified. No ground for interference is made out.

Appeal stands dismissed.

December 16, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No