

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

(1) RSA-900 of 2016 (O&M)
Date of decision: 04.04.2016

Bhanwar Singh

...Appellant

Versus

Phuli Devi and others

...Respondents

(2) RSA-904 of 2016 (O&M)
Date of decision: 04.04.2016

Bhanwar Singh

...Appellant

Versus

Phuli Devi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Pankaj Sharma, Advocate for the appellant.

Jitendra Chauhan, J. (Oral)

The suit for possession filed by the respondent/plaintiffs (for short 'the respondents') was partly decreed by the trial Court vide judgment and decree dated 10.01.2013.

2. Aggrieved against the findings of trial Court, both the parties filed separate appeals, whereby the appeal filed by the respondent was allowed and the appeal of the appellant was dismissed, vide common judgment and decree dated 14.10.2015. by the 1st Appellate Court. Hence, the present Regular Second appeal at the behest of the appellant-Bhanwar Singh.

3. The above noted two appeals are being disposed of by this single judgment, having arisen out of common judgment. However, the facts are being derived from RSA No. 900 of 2016.

4. The learned counsel refers to the letter No.13/36/85-2 HD dated 06.02.2006, issued by Govt. of Haryana, whereby a scheme for the Industrial labourer for allotting them the houses constructed under the Subsidized Industrial Housing Scheme was launched and in pursuance of said scheme, a meeting was convened under the Chairmanship of Deputy Collector, Hisar and 112 quarters were ordered to be sold to workers already residing in houses in question. The appellant has been residing in said quarter since 1997 and paying all taxes related to the quarter till date. The sale deed was also executed in favour of the appellant as per the policy of the Haryana Government. The allotment had been made to the appellant by way of sale

deed. No doubt, the suit property was earlier allotted to Bhup Singh when he was employed as labour in DCM, Hisar and after the death of Bhup Singh, respondent No.1 had gone to her village after handing over the key of the said quarter to the appellant and thereafter, she never came back. The learned counsel further submits that appellant was also working as regular employee in DCM, Hisar and even many colleagues of the appellant who were residing with their family members in the said quarters were also in possession in the said quarters as per the scheme. However, both the Courts below have not considered the above facts and circumstances of the case.

5. Heard, the learned counsel for the appellant and perused the record minutely.

6. In the present case, admittedly the suit property was allotted to Bhup Singh, husband of respondent No.1-Phuli Devi, while he was working as labourer in DCM, Hisar. Said Bhup Singh had occupied the suit property as tenant in the year 1964 and continued to occupy the same till 29.01.2000. He died on 29.01.2000, leaving behind the respondents. The electricity meter was also in the name of Bhup Singh and after his death, respondents had been continuously paying the electricity bill and

rent of said quarter. The respondents had refuted the claim of the appellant by pleading that the said quarter was given to the appellant only to take care of the same and the appellant has no right or title over the suit property. The appellant had never occupied the said quarter and his possession was only for a short period of time. On the other hand, the appellant has alleged that he is in actual possession of the suit property on the basis of sale deed and policy of Govt., of Haryana. The said policy of Govt., of Haryana is not in dispute, which had been brought on record as Ex.D2. No doubt, as per the policy and on the basis of survey conducted in terms of the policy, the appellant was found in possession of the suit property but there is no proof of the ownership of the appellant. Rather, the appellant himself admitted that he had been residing in quarter No.135 as tenant of Hanuman son of Bhup Singh. The original allottee of the suit property was Bhup Singh and this fact had been duly admitted by R.S. Phogat, Labour cum Conciliation Officer, Hisar while he appeared as DW-1. The appellant had alleged that the suit property was allotted to him in the year 1990-91, but no documents were placed on record in support of his claim. The respondents have proved all the rent receipts pertaining to the

suit property. On the one hand, the appellant himself had claimed to be allottee of the suit property and on the other, he admitted that he was tenant over the same. The contradictory stand of the appellant falsifies his claim. In the absence of any strong evidence or document, the 1st Appellate Court has rightly dismissed the appeal of the appellant.

7. On consideration of all the facts and material on record, this Court finds no scope to interfere with the well reasoned judgments of the Courts below. 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. Accordingly, both the appeals are dismissed.

04.04.2016

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(JITENDRA CHAUHAN)
JUDGE