

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 6234 of 2014(O&M)
Date of decision : February 15, 2016

Balbir Singh and others

..... Appellants

Versus

Ram Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. HPS Aulakh, Advocate
for the appellants.

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

Amit Rawal, J (oral).
CM No. 14849-C of 2014

This is an application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 76 days in filing the appeal is condoned.

The application stands disposed of.

RSA No. 6234 of 2014(O&M)

The appellants-defendants are aggrieved of the concurrent finding of fact whereby the decree for possession of the suit property has been passed against them.

Learned counsel appearing on behalf of the appellants submits that in the year 1978 an oral exchange had taken

place between Singh Ram and Lalu Ram and after the exchange, the parties have erected/constructed their houses and started living therein. However, this fact could not have been entered in the revenue record. The legal representatives of Lalu Ram had filed the suit aforementioned. The exchange deed Ex.D-1 scribed by Ram Ji Dass has been proved on record. Ram Kumar son of Lalu Ram denied his signatures but had proved that there was some writing between the parties. The non-mentioning of the aforementioned khasra number would not raise any cause of action for seeking possession. This fact has totally been ignored by both the courts below and accordingly, in his view, a substantial question of law requires to be formulated by this Court.

I have heard learned counsel for the appellants and appraised the paper book and of the view that the appeal sans merits as the alleged signatory Ram Kumar son of Lalu Ram has denied his signatures. Nothing prevented the appellants to get the specimen signatures compared from the signatures available on Ex.D-1. Exchange has not been proved. Revenue record reveals otherwise. Demarcation report Ex.PW1/B proves that defendants were in unauthorized possession of the area. In essence, the oral exchange has not been proved.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for

determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

February 15 , 2016
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