

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RSA No.138/2009**

% **21st July, 2016**

SHRI RAM PHOOLAppellant

Through: Mr. Rajendra Dutt, Advocate.

versus

THE MUNICIPAL CORPORATION OF DELHI & ANR. Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This Regular Second Appeal under Section 100 of the Code of Civil Procedure, 1908 (CPC) is filed by the appellant/plaintiff against the concurrent Judgments of the courts below; of the Trial Court dated 19.8.2008 and the First Appellate Court dated 4.9.2009; whereby the suit of the appellant/plaintiff claiming ownership by adverse possession and possession of the suit property from the respondent no.1/defendant no.1 was dismissed. The suit property is a plot of land admeasuring 400 sq. yards, 40 feet North-South and 90 feet East-West, within the laldora limits of Village Khera Kalan, Delhi.

2. The following substantial questions of law were framed vide Order dated 20.10.2011 while admitting the appeal:

“1. Whether both the courts below ignored the material documents placed and proved on record by the appellant which goes to show his possession over the land in question?

2. Whether there are perverse findings of the courts below in not properly appreciating the import of Section 8 of the Delhi Land Reforms Act r/w Rule 5 of Delhi Land Reforms Rules?

3. Whether the courts below have either ignored or not properly appreciated the material evidence adduced on record by the appellant to show his possession over the land in question.”

3. The case of the appellant/plaintiff is that the appellant/plaintiff and his forefathers have been owners and in possession of the suit land for many decades wherein originally the plaintiff stored his fodder and manure besides tethering his cattle. In the year 1974 plaintiff constructed proper boundary walls on two sides of the suit land and also constructed two rooms and in the year 1975 appellant/plaintiff constructed boundary walls of the remaining two sides and also took an electricity connection by extending wire from his house which was situated across the gali/street. That the plaintiff on 10.6.1981 wanted to construct four more rooms on the eastern side and two more rooms on the northern side towards the gali, and plaintiff had completed construction, however, officials of the respondent no.1/defendant no.1/Municipal Corporation of Delhi suddenly came without any notice and demolished the property. Appellant/plaintiff filed a suit for permanent injunction on 20.6.1981 which was subsequently dismissed as withdrawn because the respondent no.1/defendant no. 1 after demolishing the said structure removed the malba on 29/30.10.1981, thus effectively dispossessing the

plaintiff from the land in question. This suit was withdrawn with liberty to file a fresh suit vide Order dated 31.3.1982 of the concerned court. Plaintiff argued that respondent no.1/defendant no.1 is wrongly claiming ownership of the suit land on the basis of the Resolutions of the Gaon Panchayat dated 19.5.1961 as reiterated by the Resolution dated 24.10.1964. Respondent no.1/defendant no.1 in the suit is municipal corporation and defendant no. 2 is a gaon sabha of the Khera Kalan village wherein the suit property is situated.

4. The case of the respondents/defendants as per their separate written statements filed, was common, that the suit land was given by the gaon sabha of the village to respondent no.1/defendant no.1 by the Resolution dated 19.5.1961 as reiterated by the Resolution dated 24.10.1964. The ownership and possession of the appellant/plaintiff of the suit property was denied and it is stated in the written statement of defendant no. 1 that plaintiff had made unsuccessful attempts to encroach upon the suit property and that the appellant/plaintiff was thwarted in his illegal acts.

5. The following issues were framed by the trial court:

- “1. Whether the suit of the plaintiff is within time? OPP
2. Whether the plaint discloses no cause of action? OPD
3. Whether the plaintiff is the owner of the land mentioned in para no.1 of the plaint and had been in possession thereof since the time of his fore-father's? OPP

4. Whether the land in dispute was transferred by Gaon Sabha Village Khara Kalan to Municipal Corporation of Delhi as alleged in para no.5 of the preliminary objections and the Municipal Corporation of Delhi has been in possession of the land in dispute since 1961? OPD
5. Whether the super-structure on the land in dispute was demolished by the Municipal Corporation of Delhi on 22.06.1981 and 29.10.1981? If so, did the said superstructure belong to the plaintiff?
6. Is the plaintiff entitled to any damages on account of the demolition of the structure raised by the plaintiff? If so to what amount? OPP
7. Is the plaintiff entitled to any damages on account of wrongful dispossession from the land in dispute? If so, to what amount? OPP
8. Is the plaintiff entitled to recovery of any mense profit against the defendants and if so at what rate and for what period?
9. Is the plaintiff entitled to the possession of the land in suit?
10. Relief.”

6. The important issues were issue nos. 3 and 9 with respect to the ownership claim of the appellant/plaintiff of the suit plot and as to whether the appellant/plaintiff was in possession thereof and was therefore entitled to re-possession of the same on being dispossessed by the respondent no.1/defendant no.1. Trial court has extensively and rightly dealt with these issues in the following portion of the Judgment of the Trial Court dated 19.8.2008:

“ISSUE NO.3 & 9

Issue no.3 and Issue no.9 are taken together for the sake of convenience.

Onus to prove these issues was on plaintiff.

In support of his contention, plaintiff has relied upon Ex.PW3/1 to 3 for showing that electric connection was installed at the suit premises. Plaintiff has also relied upon on a certificate issued by the patwari issued on 13.11.1975 (Ex.PW4/1 to Ex.PW4/2) as to ownership, possession and boundaries of the plaintiff.

Plaintiff has also relied upon on Ex.PW5/1 Khatoni of year 1977-78, showing that suit property is in lal dora. Plaintiff has also relied upon the report of Local

Commissioner to show his possession which is Ex. as PW7/1. Plaintiff has also placed on record various electricity bills to prove his possession.

Plaintiff has also relied upon the Ex.P-3, statement of Sh. Jaswant Singh Pradhan dated 28.08.1978 in case of Daryao Singh Vs. MCD and Gaon Sabha, where Pradhan admitted the possession of Ram Phool before 1978.

On the other hand, defendants have also led various witnesses to show that plaintiff was never in possession of the suit property. Defendants have also relied upon one document i.e. Ex.DW1/PW-9 (Wherein PW9 has admitted the signature of his father in his cross-examination). According to defendants, one suit was filed by present plaintiff in year 1952 and the plaint and the site plan shows that suit property was not in possession of the plaintiff at that time. Defendants have also relied upon two resolutions dated 19/05/1961 and 24/10/1964 and according to Gaon Sabha Land in dispute was transferred to Municipal Corporation of Delhi in 1961 and since then Municipal Corporation of Delhi is in possession and plaintiff has no legal right in the suit property.

As I have already decided that land in dispute was transferred by Gaon Sabha to MCD vide resolution as stated above and in these circumstances, these two issues can be decided against the plaintiff on this ground only. But, it will be better to appreciate the evidence given by the plaintiff.

Through out the argument it was argued by the Counsel for Plaintiff that no resolution was passed by Gaon Sabha as original resolution dated 19.05.1961 has not been proved on record and resolution dated 24.10.1964 is forged and fabricated and it contains manipulations.

For the sake of argument if it is presumed that no resolution was passed, even then plaintiff cannot stand on the legs of defendants and plaintiff will have to prove his own case himself.

Plaintiff has pleaded that he is in possession of the suit property since the time of his forefathers, but plaintiff has not placed any document on record to show when they came into possession and the mode as to how it was being occupied and used by the plaintiff to the exclusion of others. Plaintiff has also not pleaded a single word regarding the date and year of possession.

Plea taken by plaintiff that plaintiff is in possession of suit property can be contradicted by one document i.e. Ex.D1/PW9. One suit was filed by Ram Phool in the year 1952 titled as '**Ram Phool Vs. Panchyat**'. PW9 in his cross-examination has admitted the signature of his father Ramphool on the plaint of that case.

In that case plaintiff in his plaint in para no.1 had shown the boundaries as under:-

North - Basti Chamaran

South - **Shamlat Deh**

East - Gher of Sher Singh

West - Shamlat Deh

After seeing the para no.1 of the plaint in that case it makes clear that when plaintiff was in possession of the suit property from the time of his forefather than why plaintiff had shown the land in South as Shamlat Deh in the year of 1952.

From the above facts inference can be drawn that plaintiff was not in possession of the suit property at that time and had he been in the possession, he could have shown the land in dispute in South as his own land. But this was not the case and that is why he had shown the land in South as 'Shamlat Deh'.

(This Court note:- Shamlat Deh means village common land)

PW5 has specifically deposed that under column no.2 of Ex.PW5/1(Khotani), It is written 'Gher Munkin' 'ABADI DEY' and **no name of plaintiff is recorded**. Even this document does not show that plaintiff is in possession of suit property. This document only tells about khasra no.145/1 in which various person live.

Plaintiff has also relied upon one witness i.e. PW4 who had issued the lal dora certificate. PW4 has specifically stated in his cross-examination that he has not mentioned the measurement in the report Ex.PW4/1. PW4 has deposed that he has made the report at the instance of plaintiff. On the other hand PW8 i.e. plaintiff has deposed that lal dora certificate was given at the time when plaintiff's ancestors took the possession of the land. Hence, statement of both the witnesses is contradicting. Even otherwise PW4 has not shown any document regarding the fact that he had sent the report to the SDM/Tehsildar after inspecting the land in question, which is contrary to law.

Further there was no order of the SDM for measurement without which no officials measurement could be made. PW4 has also not placed any office order to show that why PW4 has inspected the suit property. Hence, Ex.PW4/1 has no evidentiary value.

I have also gone through the report of Local Commissioner, electricity bills relied upon by the plaintiff and statement of Sh. Jaswant Singh. I have also seen the photographs filed by the plaintiff. To my mind, none of these documents show that plaintiff ever legally came into the possession of the suit property. Even statement given by Sh. Jaswant Singh cannot create any legal right in favour of the plaintiff. PW9 has also admitted in his cross-examination that plaintiff has not got any other proof except the lal dora certificate regarding the factum of possession.

The another contention taken by the Ld. Counsel for Plaintiff that in Ex.PW6/1/A i.e. site plan of Municipal Corporation of Delhi, an area of 28 ft.X 90 ft. towards Northern side has been shown as a vacant area and this proves that no land belongs to Municipal Corporation of Delhi. To my mind, presuming

if no land has been shown vacant, it does not mean that it would belong to plaintiff.

In view of the submissions made above, issue no.3 and 9 are decided against the plaintiff. Plaintiff has miserably failed to show that he is the owner of the suit property and had been in possession thereof since the time of his forefathers. Hence, plaintiff is not entitled for any possession.” (emphasis is mine)

7. The first appellant court has upheld the findings and conclusions of the Trial Court by making similar observations in its Judgment dated 4.9.2009 as under:-

“No reply to the appeal has been filed. Written synopsis of arguments have been placed on record by both the parties. I have gone through the voluminous trial court record, statement made by the various witnesses, documents placed on record and the submissions made by the parties before me. **Firstly** it is an admitted case of the appellant that earlier a suit under the title '**Daryao Singh Vs. MCD**' bearing suit no. 779/71 had been filed with regard to the land measuring 28'X 88' which is a part of the suit property herein, had been dismissed against Daryao Singh on 25.11.1980. **Secondly** the present plaintiff had filed a suit earlier in the year 1952 seeking declaration and injunction copy of which is present on the judicial record wherein he himself had shown the boundaries of the property under his possession as North – Basti Charmaran; South – Sham Lath Deh; East – Cher of Sher Singh and West – Sham Lath Deh. It may be noted that this Sham Lath Deh shown in the South is the same land which has now been brought in dispute in the present suit which he claimed is under his possession and occupation. **Thirdly** the appellant had filed a subsequent suit for permanent injunction on 29.6.1981 which he had withdrawn with permission to file a fresh suit after which the present suit had been filed. **Fourthly** Daryao Singh had filed a suit in the year 1969 in respect of 28'X 88' area transferred by the Gaon Sabha to the Municipal Corporation of Delhi pursuant to the Resolutions dated 19.5.1961 and 24.10.1964 which suit was dismissed on 25.11.1980 and it was decided that the Gaon Sabha was the owner in possession of the land in suit which was later on transferred to the Municipal Corporation and was competent to handover the land to the Municipal Corporation on the basis of the aforesaid resolutions. Though the present appellant was not a party but the findings with regard to the said resolutions have become final. If the present appellant was aggrieved by the said resolutions dated 19.5.1961 and 24.10.1964 it was open to him to have challenged the same earlier and now he cannot be allowed to raise an issue with regard to the illegality of the said resolutions after 24 years being time barred. **Fifthly** in his own statement the appellant Ram Phool who has been examined as PW8 admitted having filed the suit in the year 1952 against Chander Bhan and

the Panchayat regarding the Gher. He has admitted as correct that the land which was 30 feet was a sham Lath Deh and was in front of his house. Lastly most of the officials witnesses examined by the appellant have not supported his case. PW1 is a formal witness who has proved the DD Entry of June 1981; PW2 is a witness from Record Room Civil who has deposed in respect of the record pertaining to the earlier suit of the year 1981; PW3 Charan Singh Lakra has proved that the meter had been installed in the premises of the appellant in the year 1976 which was disconnected in the year 1981 on account of demolition order issued by the MCD; PW4 Mahinder Singh Ex-Patwari of the Deputy Commissioner Office has proved his report which is Ex.PW4/1. It may be highlighted that in the said report there is no measurement of the property in which the plaintiff was found to be in possession. PW5 Anil Kumar Patwari has proved the Khatoni for the year 1977-78 and the Aks Sijra but it is evident that the name of the plaintiff has not been written in the Register and no individual name is recorded and only possession is shown. PW6 Munshi Singh has proved the original site plan of the primary school of MCD. PW7 S. K. Gupta was the Local Commissioner who has proved his report which are Ex.PW7/1 and Ex.PW7/2. He has admitted that he did not ascertain the property nor did he ascertain the year of the manufacturing of the bricks to ascertain whether the the construction was a new or old one. PW9 is the son of present appellant Ram Phool and PW10 Raghubir Rana is one of the neighbours. Therefore, in view of the aforesaid since neither the Lal Dora certificate nor the report of the Local Commissioner nor any of the revenue record shows that the appellant had been in legal possession of the land in question rather the Lal Dora certificate, report of the Local Commissioner and revenue records do not give the measurement of the property or the names of the owners and also in view of the admission made by the appellant in the year suit filed by him in the year 1952 wherein the present land on which the appellant is now claiming possession is shown to be a Sham Lath Deh Land and in view of the subsequent resolutions of the Gaon Sabha transferring the same to the Municipal Corporation for running a primary school which school is running there for a number of years, I hereby hold that this is not a case where the Municipal Corporation has used its powers by virtue of Section 332, 336, 340 and 347 of the DMC Act but have proceeded against the appellant in their own independent right since the land in question had been transferred to them by the Gaon Sabha for running a primary school and they therefore had the jurisdiction and power to demolish any encroachment or unauthorized construction over the same.” (underlining added)

8. A reading of the aforesaid findings and conclusions of the trial court shows that appellant/plaintiff had failed to prove any specific date, month and year of when his forefathers came into possession of the suit property. I note that

the electricity bills showing electricity connection in the suit property are only from the year 1975 onwards, and when the suit is filed in 1981 a period of 12 years is not complete for the plaintiff to claim ownership by adverse possession and law of prescription. So far as lal dora certificate Ex.PW4/1 is concerned, the trial court has correctly observed that the said lal dora certificate does not mention any measurement of the plot besides the fact that PW4 who is the ex-patwari from the Deputy Commissioner's office had no legal authority to prepare the report because no office order has been placed directing PW4/Sh. Mohinder Singh to inspect the property and prepare a report. It is held that public officials merely because they are public officials cannot prepare reports unless they are so authorized by the department and that the report has to be prepared by following the due procedure, which has not been done. The courts below have also held that in khatoni (revenue record) filed as Ex.PW5/1 wherein it is mentioned that the land in question is a "gair mumkin abadi" i.e non-cultivable land of residence, the name of the appellant/plaintiff is not recorded. The report filed by the Local Commissioner Sh. S.K. Gupta in earlier suit proceedings only shows at best possession of the appellant/plaintiff is of the year 1981 and in fact as the first appellate court notes in its judgment that the Local Commissioner, besides not giving measurements, also did not ascertain the year of manufacturing of the bricks or as to whether the construction was a new one or an old one and hence

this report of the Local Commissioner cannot establish continuous possession of 12 years of the appellant/plaintiff with his forefathers for them to become owners of the suit property. It has also been rightly observed by the courts below that in the suit filed by the appellant/plaintiff in the year 1952 the subject land is shown as shamlat deh i.e village common land and hence not belonging and being in the ownership of the appellant/plaintiff exclusively. Even in akshajara (map) proved by the appellant/plaintiff as Ex.PW5/2 the same was a map of the entire lal dora of the village and there is no mention in the same of appellant/plaintiff or his forefathers being owners of the suit plot much less with measurements. The First Appellant Court has rightly noted the admission of the appellant/plaintiff with respect to his 1952 suit that appellant/plaintiff admitted that the land which was in issue in the said suit was a 30 feet village common land in front of his house i.e the suit land. I may note that the land falling in front of the house of the plaintiff referred to in 1952 suit is obviously the land which is the subject matter of the present suit also because this land of which the suit has been filed is admittedly the land in front of the plaintiff's house and adjacent to the plaintiff's house and which is also so for the reason that the appellant/plaintiff claims that the original electricity connection was taken in the suit plot by extending electricity wire from his house across the street, to the suit land. In sum and substance appellant/plaintiff failed to prove by means of unimpeachable documents

continuous adverse possession of the appellant/plaintiff and his forefathers for 12 years prior to filing of the suit in 1981 for the appellant/plaintiff to be declared owner of the suit land by adverse possession and law of prescription.

9. I do not find any gross illegality or perversity in the aforesaid findings and conclusions to raise a substantial question of law which needs to be answered in favour of the appellant/plaintiff.

10. I may note that it is not the case of the appellant/plaintiff that he was the owner of the suit land by title purchase i.e on account of the same being shown as suit land in the ownership of appellant/plaintiff and his forefathers but in substance the case of the appellant/plaintiff is ownership by means of continuous adverse possession of land of the village being not the personal land of the appellant/plaintiff and his forefathers. It was, therefore, on the appellant/plaintiff to show that how he became the owner of the suit land from the ownership of the village of this original village common land. In fact, the trial court while discussing issue no. 4 has rightly found that by virtue of the Resolutions of the gaon sabha dated 19.5.1961 and 24.10.1964, possession of the suit land was handed over to respondent no. 1/defendant no.1/Municipal Corporation. Since the trial court in this regard has extensively given the necessary discussion, findings and conclusions, I adopt the same, and reproduce the same as under:-

“ISSUE NO.4

It is vehemently argued by the Counsel for Plaintiff that both the resolutions are fabricated one and show the mala fide on the part of the defendants which can be seen from the original resolution registered kept on record by the order of Hon'ble High Court of Delhi. Counsel for plaintiff has submitted that the original of resolution dated 19.05.1961 is not there and does not exist and has not been proved at all. It was the contention of the Id. Counsel for Plaintiff that the resolution dated 24.10.1964 contains manipulations and rubbing at the places where property 73 has been substituted in place of 28 and which can be seen by naked eyes. It was further argued by Id. Counsel for Plaintiff that both these resolutions are illegal as law required that prior permission should have been taken from the Director of Panchayat, for transfer of land.

To prove these resolutions defendants have examined Sh. Jagpal Singh as DW-2. Ex.DW2/1 is copy of resolution dated 24.10.1964. It was again exhibited as Ex.PX4 (Original registers are on Court record). Photocopy of resolution dated 19.05.1961 is marked 'A' for the purpose of identification.

Now question arises whether the resolution dated 19.05.1961 can be read in evidence. My answer is yes, because of the following reasons as under:-

There is one document on record which is Ex.as D1/1, which is also admitted by the plaintiff. This document shows that one suit was filed by one Daryao Singh against the answering defendants in the year 1969 and answering defendants had taken the same plea that while resolution no.134 dated 19.05.1961 land was transferred to the Municipal Corporation of Delhi. Resolution dated 19.05.1961 was duly proved in this case as mentioned in Ex.P3, relied upon by the plaintiff. When the present suit was filed in the year of 1983, the answering defendants have taken same plea. Vide order dated 18.11.1997 passed by Hon'ble High Court of Delhi, file bearing suit no.380/81, titled as 'Ramphool Vs. Municipal Corporation of Delhi' was kept on record. This file is also containing the copy of resolution dated 19.05.1961. Hence, resolution dated 19.05.1961 can be read in evidence, even though it has not been proved in accordance with law.

To my mind and keeping in view the facts stated above, a presumption beyond reasonable doubt can be raised that a resolution was passed by Gaon Sabha in 19.05.1961 and it was reaffirmed in 24.10.1964,

The plea taken by the plaintiff that **"when Daryao Singh filed the suit in suit 1969, that suit was regarding 28 ft. & 88 area and it is this area, which had been transferred by the Gaon Sabha to MCD"** does not hold water as resolution dated 19.05.1961 clearly shows that the land which was transferred to Municipal Corporation of Delhi is suit property.

Another contention was also raised by Ld. Counsel for Plaintiff that resolution dated 24.10.1964 is forged and fabricated.

I have compared both the resolution and I have come to the conclusion that there is no fabrication in resolution dated 24.10.1964, because measurement in both the resolution is same. The resolution dated 19.05.1961 shows measurement as 'North-South' - 73 ft & 'East-West'-92 ft. and resolution dated 24.10.1964 shows measurement as North-South- 73 feet and East-West-92 ft. and hence both resolution show same measurement and due to this reason the resolution dated 24.10.1964 is not forged and fabricated.

As far as the question of rubbing is concerned, to my mind, some time it can be a human mistake while writing.

Ld. Counsel for Plaintiff has also not showed any law which shows that prior permission is required from the director of panchyat before transferring the land to Municipal Corporation of Delhi.

I hold that land in dispute was transferred by Gaon Sabha village Khera Kalan to Municipal Corporation of Delhi and Municipal Corporation of Delhi has been in possession since 1961 and plaintiff has failed to show that he was even in possession of the suit property.”

11. Learned counsel for the appellant/plaintiff argued that the first appellate court has erred in not appreciating the evidence, but in my opinion, this argument is misconceived because the reasoning of the trial court is exhaustive and the appellant court has in fact pithily given various conclusions and which I have already reproduced above. This argument urged on behalf of the appellant/plaintiff is therefore misconceived and rejected.

12. So far as the arguments urged on behalf of the appellant/plaintiff with reference to electricity bills, Local Commissioner's report, lal dora certificate, akshajara (map) and khatauni are concerned, I have already dealt with these aspects against the appellant/plaintiff by referring to the relevant observations both of the trial court and the first appellate court. The documents therefore relied upon by the appellant/plaintiff being the electricity bills, Local

Commissioner's report, lal dora certificate, akshajara (map) and khatauni, did not establish any ownership of the appellant/plaintiff and his forefathers of the suit land.

13. Lastly learned counsel for the appellant/plaintiff placed reliance on Section 8 of the Delhi Land Reforms Act, 1954 (hereinafter "the Act") to argue that whatever building existed on the date of the passing of this Act, the same would vest in the individual persons after passing of the Act. Section 8 of the Act reads as under:-

"8. Private wells, trees in *abadi* and buildings. - (1) All private wells in or outside holdings, all tanks, groves and *abadis*, all trees in *abadi*, and all buildings situate within the limits of an estate belonging to or held by a proprietor tenant or other person, whether residing in the village or not, shall continue to belong to or be held by such proprietor, tenant or person, as the case may be, on such terms and conditions as may be prescribed by the Chief Commissioner.

(2) Trees planted by a person other than a proprietor of land other than land comprised in his holding shall continue to belong to or be held by such person on such terms and conditions as may be prescribed by the Chief Commissioner."

14. I completely fail to understand as to how Section 8 of the Act can help the appellant/plaintiff because the Act deals with essentially two types of land i.e agricultural and non-agricultural. The non-agricultural land was the land essentially falling in the village *abadi* or the village lal dora or extended lal dora. However, to get the benefit of Section 8 of the Act appellant/plaintiff had to prove that there existed a building on the name of the appellant/plaintiff and his forefathers on

the suit land as on the date of passing of the Act in 1954 before the appellant/plaintiff could seek any benefit of Section 8, and since appellant/plaintiff has failed to prove that appellant/plaintiff was owner of the suit land in 1954 or that any building existed in the suit plot in 1954, no benefit can be taken by the appellant/plaintiff of Section 8 of the Delhi Land Reforms Act.

15. In view of the aforesaid discussion the substantial questions of law are answered in favour of the respondents/defendants and against the appellant/plaintiff holding that there is no perversity or illegality in the judgments of the courts below and that the appellant/plaintiff cannot have the benefit of the provision of Section 8 of the Delhi Land Reforms Act in the facts of the present case.

16. In view of the above, the second appeal being without any merit is dismissed, leaving the parties to bear their own costs.

JULY 21, 2016
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VALMIKI J. MEHTA, J