

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

CR No.8018 of 2014 (O&M)

Date of decision : 09.11.2017

Kuldeep Singh Bhullar

...Petitioner

Versus

Mohinder Singh (deceased) through his LRs

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Amit Kohar, Advocate for the respondent(s).

ANIL KSHETARPAL, J. (ORAL)

CM No.17585-CII of 2015

For the reasons stated in the application, which is duly supported by an affidavit, legal representatives of Mohinder Singh-respondent as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the revision petition.

Application is allowed.

Main Case

The defendant-petitioner is in revision petition against the order passed by the learned Additional District Judge, Ludhiana dated 23.08.2014.

The defendant-petitioner is claiming the ownership and

possession of the plot on the basis of the sale deed Annexure P-1 on the file.

The sale deeds refers to khasra numbers, which are extracted as under:-

“Khasra No.2065/1610, 2066/1610, 2067/1610, 1611, 1612, Khata No.57/13, 58/14, situated in Village Daad, Hadbast No.279, Tehsil and District Ludhiana vide revenue documents.”

The plaintiff had filed a suit for permanent injunction with respect to khasra numbers which are extracted as under:-

“Khewat No.215/1, Khatauni No.275, 276, Khasra No.2099/1653, 1631, 2100/1653 and land measuring 1B-19B-16B being 796/4770 shares comprised in Khewat No.215/2, Khatauni No.276/1, 276/2, Khasra No.1650, 1651, 1652, 1634 as per jamabandi for year 2004-05.”

Learned First Appellate Court has held that the defendant-petitioner has failed to even prima facie establish that he has purchased the land in dispute in the present suit. Learned First Appellate Court has recorded the findings, which is extracted as under:-

“Careful perusal of the sale deed so talked by civil court reveals that it was altogether different land belonging to Chhabra company, which was purchased by respondent/defendant but what this land has to be with the suit property with altogether different khasra numbers that is not understandable. So far these reasons the way learned Civil Court directed both the parties to maintain status-quo without ascertaining as to which of the two parties to this litigation was in actual and factual possession of the land at the time of institution of the suit that cannot be endorsed and needs to be interfered with.”

Learned counsel for the petitioner could not dispute this fact.

He could not explain as to how the defendant-petitioner is claiming the possession of a different parcel of the land than what was purchased through the sale deed.

In view thereof, there is no scope for interference in the order passed by the learned Additional District Judge, Ludhiana.

Revision petition is dismissed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid judgment.

09.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No