

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

**RSA No.2953 of 2015 (O&M)  
Date of Decision: 07.07.2017**

**Joginder Singh**

**.....Petitioner**

**Vs.**

**Bhagwan Kaur and others**

**.....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:-** Mr.R.V.S.Chugh, Advocate, for the petitioners.

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**RITU BAHRI, J. (ORAL)**

**CM No.7111-C of 2015**

For the reasons stated in the application, delay of 6 days in filing the appeal is condoned.

Application stands disposed of.

**RSA No.2953 of 2015**

The appellant/plaintiff has come up in second appeal against the judgment and decree dated 27.08.2014, whereby, in first suit appellant/plaintiff was owner in possession of land measuring 25 kanals 2 marlas to the extent of ½ shares including the suit land measuring 11 kanals 17 marlas has been dismissed.

A perusal of the judgment passed by both the Courts below shows that on the basis of decree dated 02.04.1992 passed by the Civil Court, defendants/respondents were owner in possession of the suit land and this decree was passed on the basis of compromise (Ex-D1) and keeping in view the statement of Joginder Singh is Ex.D3. The plaintiff has not lead

any evidence with regard to fraud was committed at the time when decree was passed in favour of defendants/respondents. As per version of the plaintiff/petitioner Joginder Singh, after the passing of judgment and decree dated 02.04.1992, he still remained in possession till 2005 and was dispossessed in the year 2005 and that it was then in 2005 that he came to know about the fraud the wrong entries in revenue record in favour of defendants/respondents but as per Khasra Girdawari (Ex.D8), after passing of judgment and decree in the year 1992, the defendants/respondents came in possession of the suit property and they remained in possession of the suit property till date and the plaintiff have failed to lead any evidence showing he was in possession in 1993 and the plaintiff/petitioner had admitted in his cross-examination that he never filed any complaint before any police authorities regarding the alleged dispossession. Pursuant to the decree dated 02.04.1992 the mutation sanctioned by the revenue officer is legal and valid.

The appellate Court has upheld the judgment and decree dated 13.03.2012 passed by the Court of Additional Civil Judge (Sr.Divn.), Mansa, by finding no illegality and perversity in the same.

So in the light of the discussion, the orders of the Courts below do not reflect any material irregularity or perversity which warrant interference. Hence the present regular second appeal stands dismissed.

(RITU BAHRI)

JUDGE

07.07.2017

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |