

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.12248-C of 2017 in/and
RSA No.5311 of 2016 (O&M)
Date of Decision: 12.10.2017**

Rakesh Singh and others

... Appellants

Versus

Gurcharan Singh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rai Singh Chauhan, Advocate,
for the applicant-appellants.

RAJIV NARAIN RAINA, J.(Oral)

CM No.12248-C of 2017

The application under Order 41 Rule 19 is allowed for the reasons stated in the application for recall of the order dated September 01, 2017. The appeal is restored to its original number. The main case is taken on Board for disposal today itself.

Main Case

One stray entry in Souni 2009 in favour of defendant Rakesh Singh at the interpolating hands of the Assistant Collector, 1st Grade vide order dated March 30, 2010 ordering change of khasra girdawari in the name of 1st defendant Rakesh Singh based on a spot inspection made by him could never form the basis of rights, title and interest over the suit property as against a superior claim to property in dispute even when defendant Rakesh Singh admitted in his cross-examination that plaintiffs are recorded

owners in possession over the land in dispute in Jamabandi Ex.P-1 for the years 2007-08 and khasra girdawari entries for the years 2008-09 and 2009-2010 the plaintiffs are recorded owners of the land in dispute. So far as the order changing khasra girdawari dated March 30, 2010 is concerned it has been recorded by the Courts below that the same was passed at the back of the plaintiffs and, therefore, would not be legally binding on their rights and the same is liable to be ignored.

The suit of the plaintiffs has been decreed with proper justification and I find no warrant to interfere in the findings of fact recorded concurrently on appreciation of the evidence adduced by the parties and venture to do so on the second appeal side of this Court.

No merit.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

12.10.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*