

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

**RSA No.4150 of 2015 (O&M)
Date of Order: 04.09.2017**

Jagan Nath

..Appellant

Versus

Rattan Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Yadav, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

Plaintiff-appellant is in regular second appeal against concurrent findings of fact arrived at by the Courts below.

Plaintiff filed a suit for declaration claiming that the plaintiff is entitled to half share of the “Dholi” land, which was at one point of time, recorded as “Dholi” in favour of his grand father namely Kaliya. Dholi land is allotted in lieu of the services rendered. Dholidars are in permissive possession of the land.

Both the Courts below after appreciating the evidence available on the file, has recorded a finding of fact that the plaintiff has failed to prove his possession and also failed to prove that he had ever rendered any service in lieu of the Dholi land.

During the course of the argument, learned counsel for the appellant has admitted that the “Dholi” rights are recorded in favour of Mata Deen after 1945-46. The present suit has been filed in the year 2010. The revenue record continuously show Mata Deen to be exclusive “Dholidar”

upto his death and thereafter his son and other legal heirs are being shown as “Dholders.

Learned counsel for the appellant could not point out any substantive misreading or non-reading of the evidence by the Courts below. Learned counsel for the appellant has further failed to point out any substantive error in the judgments passed by the Courts below.

As noticed above, the suit for declaration has been filed on 16.07.2010. Once it is proved on the file that for almost 65 years, the revenue entry has continued in favour of Mata Deen and thereafter his legal heirs, without any objection from plaintiff or his predecessor.

Hence, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below. The regular second appeal is ordered to be dismissed.

September 04, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No