

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

RSA No. 1726 of 2017 (O&M)

Date of decision: 23.10.2017

Badlu Ram and another

...Appellants

versus

Dharam Dutt

...Respondent

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

Present : Mr. Raman Chawla, Advocate
for the appellants.

RAJIV NARAIN RAINA, J. (ORAL)

This is defendants' second appeal. The suit was brought by the plaintiff for declaration and possession of the suit property. The plaintiff has succeeded in both the Courts below. He has demonstrated that he holds title to the property and is owner seeking possession over the property in dispute. The suit has been decreed as against the claim of the defendants failing to establish rights and to demonstrate by legal evidence that they were owners of the property in dispute or they had legal possession over the same and could not be evicted by a decree. These were two suits which were consolidated and decided by a common judgment and decree by the learned Additional Civil Judge, Senior Division, Hisar dated 21.03.2012. The plaintiff has rightfully been declared owner over half share (North) of plot bearing khasra No. 529 admeasuring 4 Marlas situated in Village Satrod Khas Tehsil and District Hisar.

2. The plaintiff in suit had challenged certain revenue entries by which defendant Nos. 1 to 3 were shown as owners in possession claiming that these entries were illegal, unauthorized, null and void and the plaintiff was entitled to get these entries recorded in his name by setting aside the wrong entries in the revenue record as owner and for possession over his share in the corpus on the basis of title.

3. The defendants could claim only a right to the extent of share in their own property. The findings on the issues after the courts have appreciated the evidence are concluded by facts declared as true find no warrant to interfere in those conclusions derived from admissible and relevant evidence by substituting opinion over the view of the Courts on the same evidence. There is no legal infirmity in the judgments and decrees of the Courts below and the appeal is found to be devoid of merits and is accordingly dismissed. No substantial question of law arises for consideration in second appeal.

(RAJIV NARAIN RAINA)
JUDGE

October 23, 2017

kv

Whether speaking/reasoned : Yes
Whether reportable : No