

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.276 of 2017 (O&M)

Date of Decision: 30.08.2017

Manjit Singh alias Bhola Singh

... Appellant

Versus

Jaswant Singh

... Respondent

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

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

1. This is defendants second appeal. Pure findings of fact have been returned by both the Courts below holding concurrently that plaintiff No.2 Jaswant Singh had produced ample evidence on file in his favour proving his possession over land in Khasra No.522 which lies in gair mumkin land. There is a site plan in his support and a girdhawri Ex.P-2 recording possession of respondent Jaswant Singh, the plaintiff of the suit land. The appellant has been injuncted by court orders from interfering in the possession of plaintiff No.2.

2. It may be noticed that plaintiff No.1 withdrew from the suit to sell 7 Marlas of his share in the joint khewat to the defendant, a third party to the suit. The sale is only of share but not of a particular piece of land and in the absence of partition defining occupation by rights to land in dispute nothing can be said by this court except to go by the findings of Courts below on facts.

3. I have no reason to interfere with the judgment and decree in appeal passed by the learned Additional District Judge, Fazilka on

November 04, 2016 affirming the trial Court decree allowing the suit against the appellant-defendant who was unable to stake exclusive claim on the suit property.

4. Therefore, no question of law, much less substantial arises for consideration of this Court under Section 100 of the CPC or under Section 41 of the Punjab Courts Act, 1918 warranting interference.

5. Accordingly, this appeal is found devoid of merit and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

30.08.2017

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>