

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

**RSA No. 3801 of 2017
Date of decision : 09.08.2017**

Gulab Nath ...Appellant

versus

Shinder Kaur and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Garg, Advocate
for the appellant.

RITU BAHRI, J.

C.M. No. 9409-C-2017

For the reasons mentioned in the application, delay of 27 days
in filing of the present appeal is condoned.

The application stands disposed of.

R.S.A No. 3801-2017

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-appellant (herein after to be referred as 'the appellant') has been dismissed.

Brief facts of the case are that the appellant is a resident of Kulana Road, Budhlada and is a member of Society. The Punjab Government purchased land measuring 16 kanal fully detailed in the head note of the plaint and allotted the same to the members of Pandat Jawahar Lal Nehru Co-op House building Society Budhlanda (for short 'the

Society”) in the shape of plots. The appellant was given plot measuring 07 marlas under the said scheme, in which he had constructed his house over 25X40 sq.ft area and is residing with his family. He has obtained an electricity connection in the same. Ration Card of the appellant and his family members as well as their voter cards are pertaining to the said house. They have left a courtyard measuring 22'X6” X 40 sq.ft. It was alleged that previously Bobby, Sant Singh, Bant Singh and Giyani wanted to take forcible possession over the said land measuring 16 kanal. The appellant and other society member have filed the civil suit No. 1154 dated 20.12.1994 for permanent injunction, which was decreed by the Court. The defendants have no concern with the ownership and possession of the suit property nor any land was allotted to the respondent out of the suit property measuring 16 kanals. The defendants are bent upon to interfere in the possession of the appellant over the suit property and want to dispossess him illegally and forcibly.

The suit filed by the appellant was decreed by both the Courts below on the ground that the appellant himself in his cross examination has admitted that the Society at Budhladha had allotted plots to persons belonging to Borya, Dhahe and Singy Ghat Castes. The appellant belongs to Jogi Nath caste and no member of Jogi Nath caste had been allotted a plot by the said society. Thus, the claim of the appellant that he had been allotted a plot by the above said society and he has constructed a house, was found to be not correct. The appellant has no documentary proof that he had been allotted a plot by the above said society. Further D.W.1 Baljinder

Singh, Assistant in the office of Assistant Registrar Co-op Society Budhladha has proved the registration certificate of the Society as Ex D1 and also proved the list containing the names of members of said society as Ex D2.

D.W.2 Gaganpreet Singh, Inspector Food and Civil Supply, Budhladha has proved the ration card of defendant Ex D4 and Form D-II as Ex D3.

D.W.3 Kuldeep Singh, Revenue Accountant PSPCL Budhladha proved the electric connection in the name of the defendant and proved the copy of ledger and allotment register and other register as Ex D5 to D7. It was proved that the electric connection is in the name of the Shinder Kaur on 07.02.2009.

The finding of facts recorded by the learned trial Court was rightly upheld by the Lower Appellate Court, as in the present case, the present-appellant has miserably failed to prove on record that he is in possession of the disputed house.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

09.08.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No