

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.M No.9528-530-C of 2017 in/and
RSA No.3837 of 2017
Date of Decision : 02.08.2017

Smt. Anita

..... Appellant

Versus

Rameshwar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. H.S. Batth, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

C.M No.9528-529-C-2017

For the reasons recorded, the applications are allowed. Delay of 6 days in refiling the appeal is condoned.

RSA No.3837 of 2017

The suit of the appellant having been rejected by both the Courts below concurrently she is before this Court.

The appellant has challenged a mutation on the ground that it was illegal, time barred, nonest and void. Both the Courts below held that the land was duly partitioned by the Court of A.C. IInd Grade and sanad taksim was granted on 06.12.1993 and on that date neither the appellant nor her predecessor in title had any interest in the property. The Courts below found that the alleged shortfall of 8 Marlas which the appellant was

claiming was due to the fact that 7 Kanals 9 Marlas land was left for common passage for the parties at the time of partition by metes and bounds and this fact was not disclosed to the appellant by her vendor. The Courts below further held that mutation did not have any affect on whatever title the appellant was asserting and relied upon various judgments of the Supreme Court in this regard and consequently rejected the claim of the appellant. The Courts below further held that it was open to the appellant to take appropriate proceedings and seek declaration or whatever other relief which she was entitled to.

Counsel for the appellant has not been able to show how these judgments are not applicable in this case and has not been able to persuade me that the findings of fact and law are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court. Resultantly, all the questions proposed have to be answered against the appellants.

Accordingly, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 02, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No