

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

403

RSA No.2067 of 1990 (O&M)

Date of decision: 02.02.2018

Union of India

..... Appellant

Versus

Bagicha Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arun Gosain, Advocate
for the appellant.

Mr. Sandeep Punchhi, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant/Union of India is in appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiffs have filed a suit for possession of a parcel of land measuring 8 kanals described in the head note of the plaint. It was the pleaded that they are owner of the aforesaid land. In the written statement, defendants pleaded “no comments, as matter of record.” In para 1 and 4 of the written statement, the defendants pleaded as under:-

“1. No comments, as matter of record.

4. The defendants have not occupied the said land 8 kanals out of khasra No.8 M/22 (3-0), 23 (3-0), 19 M/4 (2-0) belonging to the plaintiff and situated in village Gatti Matter nor the defendants are the trespassers in the said land as mentioned in para-3 above. Nor the defendants have made any acquisition of the said disputed land.”

Both the Courts after appreciating the evidence available on the file decreed the suit filed by the plaintiffs after recording a finding that the defendants are in occupation of the aforesaid land and no evidence has been produced on file by the defendants to justify their possession.

I have heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below and the records.

Learned counsel for the appellant has vehemently argued that the defendants had in fact produced a Jamabandi for the year 1964-65 Ex.D-1 on the file proving their ownership. This Court has looked at the aforesaid Jamabandi. The aforesaid Jamabandi does not pertain to the land in dispute.

Still further, a reading of the written statement would show that the defendants have never pleaded that the disputed land was ever compulsorily acquired or purchased by them.

In these circumstances, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

02.02.2018
Dinesh Bansal

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No