

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

**RSA No.1908 of 1996 (O&M)
Date of Order:14.05.2018**

Harjinder Singh and another

..Appellants

Versus

Jagir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kewal Krishan, Advocate, for
Mr. Premjit Kalia, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Counsel for the appellants pleads no instructions. This appeal is of the year 1996 and pending in this court for the last 24 years. Hence, this court consider it appropriate to decide the case on merits rather than dismissing the case for non-prosecution.

Defendants-appellants are in the regular second appeal against the judgment passed by the learned first appellate court.

Plaintiff filed a suit for permanent injunction against forcible dispossession at the hands of the defendants. Only defendant no.1 contested the suit. It was the case of the plaintiff that he is in possession of the land measuring 27 kanals 2 marlas as a tenant and Gurbachan Kaur and Mukhtiar Singh were owners of the property.

On the other hand, defendants claim that Mukhtiar Singh was not the owner and in fact it was Gurbachan Kaur who was owner of the property.

Father of the plaintiff i.e. Mukhtiar Singh had sold 4 kanals of land, whereas Gurbachan Kaur was owner of 19 kanals and 3 marlas of land. After the death of Gurbachan Kaur, property was inherited by her sons and daughters i.e. Class-I heirs and some of them had sold the land to defendant nos.1 and 2, on 02.01.1992.

The learned trial court dismissed the suit. However, learned first appellate court after examining the evidence available on the file, recorded a finding that the defendants failed to prove their possession over the land in dispute. The court has also noticed that in the revenue proceedings, i.e. for correction of khasra girdwaris, defendants were not found in possession of the property.

In view of the aforesaid, there is no ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

May 14, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No