

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

**RSA No.2717 of 1997(O&M)
Date of Order:20.12.2018**

Smt. Budho and others

..Appellant

Versus

Gordhan and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Chander, Advocate,
for the appellants.

Mr. Adarsh Jain, Advocate,
for respondents no.1 to 4.

ANIL KSHETARPAL, J(Oral)

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

Plaintiffs filed a suit in a representative capacity claiming that the property is a part of Abadi Lenpur owned and possessed by 'Patti Malian' comprised in khasra no.340 and defendants want to take illegal possession on the strength of sale deed executed by defendants no.4 and 5 dated 14.07.1979.

Defendants contested the suit and pleaded that they have purchased the property pursuant to the sale deed referred to the above and, therefore, they are owners and entitled to use the property in any manner they like.

Learned trial court dismissed the suit on the ground that the plaintiffs failed to prove that the property is part of 'Patti Malian', Palwal.

In appeal, the judgment and decree passed by the learned trial court was reversed and although the court recorded a finding that ownership of 'Patti Malian' is not proved on file but record proves that the land is forming part of khasra no.340 which is a abadi land. Thereafter, the court went on to record that the defendants have also not produced any evidence in order to prove that defendants no.4 and 5 were owners.

Learned counsel for the appellants admitted that it is a vacant piece of land located in abadi and there is no evidence that defendants no.4 and 5 vendors of defendants no.1 to 3 were owners of the abadi area. In such circumstances, learned first appellate court has rightly restrained the defendants from raising any construction.

Learned counsel for the appellants, although, made sincere attempt but could not draw attention of the court to any perversity or error in the judgment of the learned first appellate court.

In view of the aforesaid, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

December 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No