

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

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RSA No.2760 of 1998 (O & M)
Date of Decision:03.08.2018

Kulwinder Singh and others

...Appellants

Versus

Ajmer Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Ekta Thakur, Advocate
for the appellants.

Mr. P.C. Dhiman, Advocate
for the respondents.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in the regular second appeal against the judgment passed by the learned First Appellate Court dismissing their suit for declaration that they are owners in possession of the land.

Plaintiffs claimed that they were tenants as '*gair marusi*' and since their possession is long, therefore, they have become occupancy tenants as defined in Punjab Tenancy Act and consequently become owners by virtue of provisions of Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952.

Learned First Appellate Court after appreciating the evidence have found that the plaintiffs have not even asserted that they have not paid lease money to anyone or their lease money was not more than the land revenue payable.

Still further, plaintiffs are recorded as '*gair marusi*' tenant and

literal meaning of *gair marusi* is non-occupancy. This Court has already dealt with the aforesaid issue in RSA No.5685 of 2014 titled as **“Tara Chand vs. Bihari Lal and others”** .

In view thereof, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

03.08.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No