

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

**RSA No.4139 of 2005 (O&M)  
Date of decision:05.09.2018**

Babu Ram

... Appellant

Vs.

Bharat Ram and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. R.S.Sihota, Senior Advocate with  
Mr. B.R.Rana, Advocate  
for the appellant.

Mr. K.B.Sharma, Advocate  
for respondent no.1.

**AMIT RAWAL J. (Oral)**

Appellant-plaintiff has not been successful in seeking the relief of permanent injunction of forcible interference and dispossession in respect of the suit land detailed in para nos.1-A and 1-B of the plaint.

The plaintiff claimed ownership in possession of two plots depicted in site plan on the premise that according to khasra abadi 1877, Ganga Ram son of Gumani was owner in possession of khasra no.258, whereas, khasra nos.259 and 263 were in possession of Bhouta son of Bhura and Nathan son of Hira Singh, respectively. As per the revenue record, suit land was owned and possessed by Hira Singh son of Phool Singh son of Nathan Singh, therefore, the plaintiff became full fledged owner in possession of the suit land and the defendants have no right, title or interest in the suit land.

The aforementioned suit was contested by the defendants by taking various preliminary objections regarding maintainability, cause of action, locus standi etc. On merit, it was denied that suit land bore the khasra nos. 258, 259 and 263 as alleged. The suit land was ancestral property of defendants as reflected in the jamabandi.

The trial Court on the basis of oral and documentary evidence found that the plaintiff had not proved the possession in the suit land, therefore, did not grant the injunction, so did the Lower Appellate Court.

Mr.R.S.Sihota, learned Senior counsel assisted by Mr. B.R.Rana, Advocate appearing on behalf of the appellant submits that both the Courts below have committed illegality and perversity, for, appellant is one of the descendants of Nathan, great grandfather. The Lower Appellate Court did not advert to the evidence in the shape of khasra abadi 1877 and *aks shijra* of 1909, i.e., revenue cloth map. Had these document been taken into consideration, it was full proof case of granting injunction. The revenue record was more than 90 years old and evidence, therefore, carried a presumption of truth as per Section 44 of the Punjab Land Revenue Act. The aforementioned evidence established the long and settled possession.

Per contra, Mr. K.B.Sharma, learned counsel appearing on behalf of respondent No.1 submits that both the Courts below after examination of the documentary evidence found that plaintiff had no concern with the plots in question. The plots were assessed to land revenue which were entered in the jamabandi Ex.D3 and Ex.D2, thus, there was

dispute with regard to the identity of the property and urged this Court for upholding the concurrent findings.

I have heard the learned counsel for the parties, appraised the judgments and decrees as well as record of both the Courts below and of the view that there is no force and merit in the submissions of Mr. Sihota.

Ex.D3- jamabandi as noticed above leaves no manner of doubt that property in dispute bore khasra no.265 and the plaintiff did not have any link to the property in dispute. The certified copies of the list of proprietors (Ex.P2 and Ex.P3) had not been proved in accordance with law, for, the defendants had denied the boundaries and dimensions of the suit property. The plaintiff has not established the link with regard to oral record as to how the property had fallen to his kitty. The plaintiff has not been able to connect with the property as per the pleadings in the plaint. No revenue excerpt has been placed on record to show that the property had fallen to the share of plaintiff from his forefathers. Even no assistance of the revenue official was taken to establish the identity of the property and righty so the injunction has been declined.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees under challenge which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal stands dismissed.

The status quo order dated 12.12.20105 granted by this Court is  
hereby vacated.

(AMIT RAWAL)  
JUDGE

September 05, 2018  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |