

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-1782-2016 (O&M)
Date of Decision : 4.9.2018

Smt. Somoti and another

....Appellants

vs.

Narain Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashok Kaushik, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellants wherein they had claimed declaration that in fact they were tenant on the property in dispute and the respondents had no right or any interest in the property. They further claimed that decree dated 20.3.1967 was illegal. They further claimed that they were in possession and sought an injunction restraining the respondent from interfering in their possession.

The case of the respondents on the other hand was that infact their predecessor Poorna had been regularly reflected as Gair Maurusi in the land in dispute since for a long time and by decree 20.3.1967 he had been declared owner thereof. The case of the respondent further was that the appellants had no interest in the property. The Courts below noticed that PW-2 witness of the appellants had himself admitted that Poorna was in possession of the suit property. The Courts below noticed that the suit was

filed by Kishan Lal alongwith two present appellants. But he never appeared in witness box (it may be noticed here that Kishan Lal has not even joined the appellants in this appeal). The Courts below noticed that once it was proved that the appellants were not in possession of the land the suit for declaration simpliciter would not lie. Learned counsel for the appellants is not in a position to explain how judgments of the Courts below are flawed.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

4.9.2018
anuradha

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No