

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

115

RSA No.2674 of 2016 (O & M)
Date of Decision:18.04.2018

Girdhari (deceased) through LRs

...Appellant

Versus

Shamlat Deh of Vill. Atwa Palwal th. Proprietors

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Singla, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM No.7164-C-2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 149 days in filing the appeal is condoned.

Application is allowed.

Main Case

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff claims that he be declared occupancy tenant and thereafter owner of the land measuring 32 kanals, the suit land. Both the Courts below on appreciation of evidence have recorded a concurrent finding of fact that the plaintiff has failed to prove that he was ever tenant on the land, which is a sine qua non for declaring somebody as an occupancy tenant.

Both the Courts have further noticed that the plaintiff is one of the proprietor of the village and is a co-sharer and his name is recorded at

serial No.37 in the list of proprietors.

The land in dispute is a joint land of the proprietors. Such being the position and in view of the fact that the plaintiff is not proved to be tenant over the land in dispute, there is no good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular second appeal is dismissed.

18.04.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No