

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

RSA-698-2013 (O&M)

Date of Decision: May 15, 2018

Bhagwan Dass and others

...Appellants

Versus

Delhi Milk Scheme and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Dr. Anand Kumar Bishnoi, Advocate,
for the appellants.

Mr. D.P. Gupta, Advocate,
for Mr. Keshav Pratap Singh, Advocate,
for respondent No. 1.

ARUN PALLI, J. (ORAL)

Suit filed by the appellants, was dismissed by the Trial Court, vide judgment and decree, dated 07.01.2011. As even the appeal preferred against the said decree, failed and was dismissed on 29.09.2012, the appellants are in Regular Second Appeal. The parties to the *lis*, hereinafter shall be referred to by their original positions in the suit.

Plaintiffs prayed for a decree for injunction restraining the defendants from causing any interference in their possession qua the suit property.

On a consideration of the matter in issue, and the evidence on record, both the courts concurrently concluded that suit property was, in fact, acquired by the State Government, pursuant to the notification, dated 31.07.1968. Further, the Land Acquisition Collector determined the compensation, vide an award, dated 17.03.1970. Accordingly, the possession of the suit land was delivered to the defendants, vide Rapat dated

31.07.1968, in presence of Thakur Dass, father of plaintiff Nos. 1 to 5 and husband of plaintiff No. 6. Further, late Thakur Dass had even received Rs.6,385/-, by way of compensation. Thus, the suit property had vested in the State free from all encumbrances. Not just that even earlier the plaintiffs had filed a suit qua the suit land, claiming the same relief, but had failed to get an interim relief right upto this Court. Resultantly, the said suit was dismissed as withdrawn with liberty to file fresh. They had even approached this Court by way of CWP No. 6570 of 2009, and questioned the acquisition proceedings, which too was dismissed. Significantly, the plaintiffs never disclosed in the plaint the fact as regards acquisition of the suit land, and rather denied the suggestions in this regard, in their cross-examination. Thus, *ex facie*, the suit filed by the plaintiffs lacked both, i.e. merits as also the bonafides. On being pointedly asked, learned counsel for the plaintiffs could not refer to anything on record to show if the conclusions arrived at by both the courts were either contrary to the record, or suffered from any material illegality.

Thus, no question of law, much less any substantial question of law arises for consideration. The appeal being devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

May 15, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO