

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA- 4762-2016(O&M)
Date of decision : 12.11.2018

Brij Lal and another

..... Appellants

versus

Net Ram alias Nityanand(since deceased)
through LR's and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.P.Sharma, Advocate for the appellants.

AMIT RAWAL, J. (ORAL)

Appellant-defendants are aggrieved of the concurrent finding of fact whereby the suit at the instance of respondent-plaintiff asserting claim of ownership and permanent injunction has been accepted.

Mr.J.P.Sharma, learned counsel appearing on behalf of the appellants submitted that land was situated in two villages, Amarpur Jorasi and Bashirpur, Tehsil Narnaul, District Mahendergarh but the mutation in respect of one of the suit property in favour of the plaintiff was not as per the succession. There was already an exchange of land and, therefore, could not assert their right. The trial Court has erroneously decreed the suit and urges this Court to set aside the impugned judgments and decrees.

I am afraid that the aforementioned argument of learned counsel is not sustainable as Jamabandies Ex.P-1 and P-2 placed on record reflect that Ruda Ram was the common ancestor. He had three sons, Net Ram,

Ramji Lal and Moharia. Defendants No. 2, 3 and 4 are the sons of Moharia

whereas Net Ram was the plaintiff. The alleged exchange was never recorded in the revenue record since Ruda Ram died intestate, the property was to be inherited as per the natural succession. This is what is the import of the judgment and decree of the Courts below. There is no illegality and perversity in the findings of the Courts below so as to call interference by this Court.

Appeal is dismissed.

(AMIT RAWAL)
JUDGE

12.11.2018
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No