

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

**RSA No.4890 of 2016 (O&M)
Date of Decision.21.11.2018**

Kartar Kaur (since deceased) through LR's and othersAppellants

Vs

Ranjit Singh (since deceased) through LR's ...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.S. Dhaliwal, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

C.M. No.12748-C of 2016

For the reasons stated in the application, delay of 161 days
in re-filing of the appeal is condoned.

Application is allowed.

RSA No.4890 of 2016

The appellants-plaintiffs have not been successful in the
suit for declaration, permanent & mandatory injunction and possession
on the premise that they are owners to the extent of 1/4th share in the
land measuring 266 kanals 5 marlas owned by Jangir and Dayal Singh
sons of Niranjjan Singh.

The sole contention raised before the trial Court was that as
per jamabandi for the year 1963-64 upto 1979-80, the land was shown
to be 266 kanals 5 marlas but in the year 1984-85, it was reduced to 212
kanals 14 marlas, in the jamabandi for the year 1989-90, the land was
mentioned as 216 kanals 6 marlas and in 1999-2000 209 kanals 13
marlas. It was alleged that in the absence of any sale deed, the area
could not have been reduced. Almost 33 private respondents were

arrayed in the suit whereas Punjab State through the District Collector as defendant No.34. Several defendants were proceeded ex parte including defendant No.34.

On preponderance of evidence, the trial Court dismissed the suit and so did the lower Appellate Court.

Mr. Dhaliwal, learned counsel appearing on behalf of the appellants submitted that defendant No.34 proceeded ex parte, therefore, no explanation came forward, thus, entries should have been corrected as per the previous entries i.e. jamabandies for the year 1963-64 to 1979-80.

I am afraid aforementioned argument of Mr. Dhaliwal is not sustainable as the entire onus was upon the appellants-plaintiffs to discharge whether there was any sale deed or not. No record has been summoned from the concerned Sub Registrar or the Revenue Department to establish how area was reduced. Except self-serving statement of the plaintiffs, no other evidence has been brought on record, thus, failed to prove the case as pleaded in the plaint.

As an upshot of my finding, I do not find any illegality and perversity in the concurrent finding of fact, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 21, 2018

Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No