

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.620 of 2016 (O&M)

Date of Decision: May 14, 2018

Suresh Kumar

...Petitioner

Versus

Haryana State Agriculture Marketing Board, Panchkula & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Jagjeet Beniwal, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.1694-C of 2016

For the reasons mentioned in the application, which is supported by an affidavit, delay of 11 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.620 of 2016

Appellant-plaintiff is in Regular Second Appeal against the concurrent findings, whereby the suit for declaration and mandatory injunction seeking allotment of booth/plot No.21 in favour of the plaintiff on account of the fact that his mother Taramani was allotted the aforementioned plot on 31.3.1977 in the auction conducted by the defendants, had been dismissed.

Mr.Jagjeet Beniwal, learned counsel representing the appellant-plaintiff submitted that the aforementioned plot was allotted to mother of the appellant-plaintiff, for, the possession was also handed over to her on

receipt of earnest money. The plaintiff had allegedly raised the construction of the shop. A demand of ₹47,600/- was raised, which was paid on 26.3.2009. Taramani died on 12.6.2007. Owing to the family settlement amongst the family, the aforementioned plot fell to the share of the appellant-plaintiff and, therefore, cause of action arose to file the suit. The findings of fact and law arrived at by the Courts below are wholly illegal and perverse as there is misdirection and misreading of the documentary evidence.

I have heard the learned counsel for the parties and appraised the paper book.

The stand in the written statement regarding the sale of the plot in auction was admitted, but the fact of the matter is that the aforementioned plot was resumed by the defendants on 24.9.1982. For similar cause, the mother of the plaintiff had instituted the suit, which was dismissed vide judgment and decree dated 12.6.1997. The present suit was filed on 18.11.2009. In my view, the judgments and decrees of the Courts below are perfectly legal and justified. The plaintiff cannot be allowed to re-agitate the issue. The suit should have been dismissed with exemplary costs.

For the reasons stated above, there is no illegality or perversity in the concurrent findings. No ground for interference is made out. Resultantly, the appeal is dismissed.

May 14, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No