

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.6231 of 2016 (O&M)
Date of decision:09.10.2018.

Harbhajan Singh and others

...Appellants

Versus

Shingara Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: None for the appellant.

LISA GILL, J.

This appeal has been filed by the appellants/defendants challenging the judgment and decree dated 08.08.2013 passed by learned Additional Civil Judge (Senior Division), Tarn Taran as well as the judgment and decree dated 27.07.2016 passed by learned Additional District Judge, Tarn Taran, whereby suit filed by the plaintiff/respondent for declaration to the effect that he is owner in possession in respect of 3/4th share of the suit property was decreed by the learned trial Court. It was specifically held that the plaintiff had successfully proved their case. The plaintiff while deposing as PW1 testified that he along with defendant No.1 i.e. appellant No.1 had purchased land measuring 17 kanals 6 marlas out of total land measuring 62 kanals 12 marlas from the original owners. As per the registered sale deed, plaintiff was entitled to 3/4th share while defendant No.1 Hazara Singh, now represented by his legal representatives, was entitled to 1/4th share out of the property. Mutation in this regard was wrongly entered in the revenue record wherein plaintiff was shown to be owner of 1/4th share and Hazara Singh to be owner of 3/4th share. It was concluded by learned trial Court that by

merely relying upon the mutation, no right of title or ownership could accrue to said Hazara Singh. It is clearly proved that as per the sale deed (Ex.P1), the plaintiff was owner of 3/4th share of the property.

Appeal preferred by the present appellant was also dismissed by the learned Additional District Judge, Tarn Taran, vide judgment and decree dated 27.07.2016. Aggrieved therefrom, present appeal has been filed.

This matter was adjourned for today on request of learned counsel for the appellants. Today despite the matter having been called twice, there is no representation on behalf of the appellants. It appears that the appellants are not interested in pursuing the matter any longer.

The appeal is accordingly dismissed in default.

(LISA GILL)
JUDGE

October 09, 2018
Ishwar