

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 6440 of 2016 (O&M)

Date of decision: 07.02.2018

Bachan Singh

...Appellant

V/s.

Pawanjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Puneet Kumar Bansal, Advocate for the appellant.

KULDIP SINGH, J. (Oral)

CM-16892-C-2017

Application is allowed, as prayed for.

CM-16893-C-2017

This is an application for condonation of delay of 17 days in refiling the present appeal.

For the reasons stated in the application, the same is allowed and the delay of 17 days in refiling the present appeal is condoned.

RSA No. 6440 of 2016 (O&M)

Heard.

The impugned in the present regular second appeal is the judgment dated 30.04.2016 passed by learned Additional District Judge, Amritsar affirming the judgment and decree dated 24.02.2014 passed by learned Civil Judge (Junior Division), Ajnala vide which suit of the plaintiffs was decreed and they were declared to be joint owners in joint possession to the extent of ½ share i.e. 232 kanals-9 ½ marlas out of the suit land measuring 464 kanals-19 marlas. Permanent injunction was also granted restraining the defendants from alienating the share of the plaintiffs

by way of sale, mortgage or any other documents to any person. The record of jamabandi for the year 2006-2007 is held to be wrongly prepared with respect to the share of the plaintiffs and is liable to be rectified. The Revenue Officer was directed to make the necessary corrections in the said jamabandi. It comes out that plaintiffs had claimed that they are the joint owners to the extent of $\frac{1}{2}$ share in the suit land on the basis of natural succession. On the other hand, in the written statement defendants had denied the ownership of the plaintiffs. Both the parties led the evidence and from the record produced before the trial Court, it came out that plaintiffs had proved their claim regarding the ownership. Accordingly, the suit was decreed. The findings were affirmed by the lower appellate Court. I am of the view that findings of facts was recorded after examining the evidence and record. No question of law is involved. There are concurrent findings of two Courts below. No ground to interfere in the same is made out. Hence, the appeal is dismissed in limine.

(KULDIP SINGH)
JUDGE

07.02.2018

Divyanshi

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No