

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

RSA No. 6487 of 2016

Date of decision : 13.09.2018

Ganga Devi & ors.

....Appellants

V/s

Sat Narain & ors.

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.N. Lohan, Advocate for the appellants.

RAJAN GUPTA J.

Plaintiffs-appellants have preferred the instant appeal aggrieved by the findings arrived at by two courts below whereby suit filed by them was partly decreed. Learned counsel for the appellant submits that both the courts below have completely ignored from consideration evidence available on record. Sufficient evidence has been led to prove that plaintiffs are owners in possession of the land in dispute. Interference is, thus, called for in the second appeal.

I have heard learned counsel for the appellants.

Plaintiffs filed a suit seeking declaration that plaintiffs no. 1 & 2 be declared owners in possession of the suit land bearing Khewat no. 938/881, khasra no. 198/24(7-11), 214/4/1(1-16) measuring 9 kanals 7 marlas and also that they be declared owners in possession of khewat no. 898/840, khasra no. 198/14 (8-0) 17/1(3-7) situated in revenue estate of village Hassangarh, Tehsil and District Rohtak; alternatively for permanent injunction to restrain defendant no. 1 from dispossessing them illegally and forcibly from the suit land. It was averred that land in dispute was owned

by Shamlat Pana Mahajanan. During consolidation, said land was allotted to the persons as mentioned in para 1 of the plaint. Thereafter, they handed-over the land of Khewat no. 898 to the ancestors of plaintiffs. For the purpose of cultivation, khewat no. 939 was given to Ram Chander and plaintiff no. 3 with the promise that neither they would be evicted nor any rent would be payable. Since then, plaintiffs were in cultivating possession of the suit land. As defendant no. 1 wanted to dispossess the plaintiffs forcibly and illegally from the suit land, instant suit has been filed. Suit was resisted by defendants no. 5 to 9 and 11 to 13 on the ground that plaintiffs had no concern with the suit property and entry in the revenue records were illegal. The trial court on the basis of evidence brought on record partly decreed the suit and restrained the defendants from interfering in the suit property except in due course of law as plaintiffs were in possession of the suit property as cultivators since the time of their forefathers. Findings were unsuccessfully challenged before the appellate court. In second appeal before this court, merely contentions raised before courts below have been reiterated. No glaring defect was pointed out in appreciation of evidence. I, thus, find no ground to interfere with the same. Appeal is without any merit and same is hereby dismissed.

September 13, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No