

Rohit Kumar and Others**.....Appellants****Versus****Government of Haryana and Others****.....Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present:** Mr. Ajay Jain, Advocate,
for the appellants.**ANIL KSHETARPAL, J. (Oral)**

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiffs claim declaration on the basis of instructions issued in the year 1957. It is not disputed that the plaintiffs or their predecessors were never allotted either the wells or the land comprised in Khasra Nos. 5793, 5794, 7125/1665, in which wells are located. Plaintiffs claim that since they had been irrigating land from the aforesaid wells, therefore, plaintiffs are entitled to the declaration that they are owners of the irrigation wells. Once it is undisputed that these wells as well as the land in which the wells were located, noted above were never part of allotment in favour of the plaintiffs, the plaintiffs have rightly been non-suited by the Courts below.

Hence, there is no ground to interfere.

The Regular Second Appeal is dismissed.

29.10.2018*Ajay Goswami***(ANIL KSHETARPAL)
JUDGE****Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No**