

RSA-1023 of 2017 (O&M)
Date of Decision: 09.07.2018

Raghunath (since deceased) through his Lrs.

---Appellant

versus

Joginder and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Abhinav Gupta, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit filed by appellant Raghunath (since deceased) represented by his legal representatives claiming ownership in possession of the land in dispute to the extent of 2/9th share by way of occupancy rights was dismissed by the trial court vide judgment and decree dated 21.5.2013 and appeal preferred by the appellant did not find favour with the Additional District Judge, Sonapat.

The Courts have consistently held that the appellant has failed to satisfy the conditions/pre-requisites envisaged under Section 5(2) of the Punjab Tenancy Act, 1887 (in short "the Act") in order to claim himself to have acquired occupancy rights under Section 5(1)(a) of the Act, therefore, he cannot claim himself to be owner of the suit land.

Counsel for the appellant is not in a position to make any submission much less meaningful on the basis of revenue documents

exhibited on record that findings recorded by the courts are erroneous much less perverse or the same are not based upon correct appreciation of materials on record. In this view of the matter, I do not find any reason to interfere in the consistent findings recorded by the courts when otherwise no question of law is raised that requires determination in regular second appeal.

\ For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

09.07.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No