

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.1613 of 2017 (O&M)

Date of Decision: December 06, 2018

Raj Kumar & others

...Appellants

Versus

Shish Pal

...Respondent

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Chanakya Pandit, Advocate,  
for the appellants.

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**AMIT RAWAL, J. (Oral)**

The sole argument, which has been raised, is that the courts below have misconstrued and misread the written statement where there is a categorical pleading that the mother of the defendants had purchased Khasra No.408 and not Khasra No.409, i.e., 14 marlas, whereas 10 marlas was in respect of Khasra No.409.

Before the learned counsel for the appellant could commence with the argument, he drew the attention of this court to Para 7 of the written statement. The same reads thus:-

*“That the plaintiff has not come to the court with clean hand and concealed the material facts from the Hon'ble Court. The true facts of the case are like that the defendant no.3 is the owner in possession of the land measuring 0 kanals 10 marlas gair mumkin plot comprised in Khasra no.409 adjacent to the land in dispute, in which defendant no.3 wants to construct his residential house. One Bimla wife of defendant no.2 and mother of defendant no.1 has purchased land measuring 14*

*marlas comprised in khewat no.35 khatoni no.53 vide sale deed no.138 dated 17-05-2010 and possession was also delivered by the vendee at the spot adjacent to Khasra no.409 on the date of purchase. Plaintiff was never in possession of the land adjacent to land of defendants. Defendants have neither interfered in the plot of plaintiff nor cut any kind of trees in the land in possession of the plaintiff. Plaintiff has filed the present suit only to harass and humiliate the defendants. The suit of the plaintiff is liable to be dismissed with costs.”*

On plain and simple reading of the written statement, it is not decipherable that the sale deed dated 17.05.2010 was in respect of 14 malas of Khasra No.408. It has been said to be adjacent to Khasra No.409 leaving the parties oblivious and in imagination to infer that it is Khasra No.409. Such a wrong statement is an attempt to mislead the court, which cannot be appreciated.

For the reasons stated above, I do not find any illegality or perversity in the concurrent findings under challenge. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

**December 06, 2018**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**