

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

107

**RSA-1850-2017 (O&M)
Date of Decision : 06.09.2018**

Hemraj and others Appellants

Versus

Arisal (Deceased) through LRs and others Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aman Bahri, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

By this appeal the appellant has challenged the concurrent judgments of the Courts below decreeing suit filed by respondents No.1 to 7.

The case of respondents No.1 to 7 was that their predecessor-in-interest were gair marusi tenants in the land in dispute and they sought an injunction against the appellants (and other defendants-non appellants) restraining them from interfering in their possession except in due course of law as the predecessor-in-interest of the respondents No.1 to 7 were in possession of the suit land from the last 150 years.

The case of the appellants on the other hand was that the respondents No.1 to 7 had no right, title or interest or any connection with the land in dispute and the appellants were owners in possession.

Both the courts below noticed that the entire revenue record from the year 1951 reflected the possession of the respondents No.1 to 7 as tenants and consequently decreed the suit. Hence, the present appeal.

Counsel for the appellants has argued that in the latest jamabandi Ex.P1 there is no mention of the rent in column No.9. As per him, this shows that the respondents No.1 to 7 are in illegal possession and therefore they can not seek an injunction against the true owners. However, the counsel for the appellants has accepted that in the previous jamabandies the rent has been mentioned.

In my considered opinion, once the fact of the respondents No.1 to 7 being shown as gair marusi tenants on payment of rent had been reflected in successive jamabandies since the year 1951, the mere fact that the amount of rent was not mentioned in the last jamabandi which otherwise reflected their possession as gair marusi tenants would not change the character. In the circumstances, I find no fault with the findings of the courts below.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

September 06, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No