

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

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**RSA-1872-2017 (O&M)
Date of Decision : 9.8.2018**

Darshana Devi

....Appellant

vs.

The State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.K.Chawla, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant. The appellant had filed a suit against State of Punjab under Section 39 of the Specific Relief Act and sought mandatory injunction directing the respondents to allot and transfer the property rights of certain land. Her claim was that she belongs to Scheduled Caste community and the land was in possession of her grand father ; there was a policy of the Government to allot land to the occupants which lands were in possession of persons from the scheduled caste and were owned by the State Government and therefore she was entitled for allotment and transfer of land.

Both the Courts below have held that the appellant could not prove either her possession or that she was the granddaughter of Ladha Singh since she placed on record only photocopies of some documents.

In the appeal the appellant filed an application under Order 41

Rule 27 praying for permission to lead evidence to prove the documents which were earlier placed on record and to prove certified copies of those document of which photocopies were placed on record. That application was rejected by the Lower Appellate Court holding that once it was the appellant's own case that she was seeking interest in property on the basis of being a legal representative of Ladha Singh and once she had the photocopies of the documents, there was no justification for her to not have led evidence to prove the same.

The Courts below however noticed that even as per the documents placed on record it was shown that Ladha Singh had many children including Mita Singh and Mita Singh had many children including the appellant and consequently, both the Courts below noticed that in the absence of those persons her suit could not be decreed.

Learned counsel is not in a position to show any error in the findings of the Courts below. Consequently, the appeal stands dismissed.

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

9.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No