

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

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**RSA No. 1639 of 2018 (O&M)
Date of Decision : 23.3.2018**

**Dharam Singh (since deceased) through his legal representatives and
others**

...Appellants

vs.

Rajinder Kaur

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

**Present: Mr. Mohinder Kumar, Advocate
for the appellant(s).**

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the lower Appellate Court reversing that of the trial Court and thereby dismissing a suit filed by the appellant.

The case of the appellants was that they and the respondent were related and their respective predecessors-in-interest had joint land regarding which an oral family settlement had taken place as a result of which they were in exclusive possession of certain pieces of land.

The case of the respondent on the other hand was that no settlement had ever taken place between her predecessor-in-interest and predecessor-in-interest of the appellant and she continued to be a co-sharer in the entire land.

The trial Court decreed the suit holding that the appellants had been able to prove that they were in exclusive possession of land they were

claiming and thus came to the conclusion that family settlement was proved. The Appellate Court however set aside the finding by holding that neither any, date, time and year of the family settlement was mentioned nor was the family settlement reflected in the revenue record and consequently came to the conclusion that in these circumstances, appellant could not prove the ouster of the respondent which who otherwise shown to be a co-share in successive Jamabandi.

In my considered opinion, the view taken by the appellate Court is correct while that of the trial Court is wrong.

The appeal stands dismissed.

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

23.3.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No