

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

**RSA No.5207 of 2014(O&M)
Date of Decision: 11.07.2018**

**Bachan Singh
Versus**

.... Appellant

Santo

... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashok Kumar Sama, Advocate
for the appellant.

RAJ MOHAN SINGH, J. (Oral)

[1]. Defendant is in second appeal against the judgment of reversal passed by the Lower Appellate Court.

[2]. Plaintiff filed a suit for possession claiming herself to be owner in possession. Ejectment of tenant was sought under Punjab Security of Land Tenures Act on the ground that defendant was tenant of 1/3rd share of produce. Tenant denied the title of the plaintiff and the petition was dismissed by the Assistant Collector, Jalalabad. Gram Panchayat claimed itself to be owner of the property. In the jamabandi for the year 1964-65, Gram Panchayat was shown to be owner. Surain Singh son of Bulla Singh was shown to be cultivator.

[3]. In Civil Suit No.493-1 of 30.04.1992/10.01.1990 titled

Harnam Singh etc. Vs. Gram Panchayat, plaintiff was plaintiff No. 11. The suit was decreed on 18.09.1992 and the plaintiff became owner of the property in question. The status of the plaintiffs including the present plaintiff was depicting in the jamabandi for the year 2004-05 Ex.P1 showing her to be owner, whereas defendants was shown to be in cultivating possession. Similar position existed in terms of khasra girdawari Ex.P2 from Sauni 2006 to Harri 2010.

[4]. By taking note of the change on the basis of civil Court decree dated 18.09.1992, Lower Appellate Court reversed the findings recorded by the trial Court.

[5]. Appreciation of evidence done by the Lower Appellate Court is not found to be faulted with by misreading of any evidence. Judgment and decree passed by the Lower Appellate Court is not found to have suffered with any perversity. No law point worth consideration is involved in the present appeal. The present appeal is accordingly dismissed.

[6]. Since the main appeal has been dismissed, therefore, there is no necessity to pass any order in the application under Section 5 of the Limitation Act.

July 11, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No