

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

**RSA No.2462 of 2018 (O&M)
Date of Order:24.09.2018**

Kuldeep and others

..Appellants

Versus

Ammi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulbhushan Sharma, Advocate,
for the appellants.

ANIL KSHETARPAL, J.

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below while decreeing the suit filed by the plaintiffs for declaration claiming that the entry in the revenue record depicting the defendants to be in self cultivation of the land is illegal and the plaintiffs and proforma defendant no.6 are in possession as tenants and they have never been evicted by defendants no.1 to 5. Defendants have further pleaded that previously also, defendants had tried to interfere in the possession of the plaintiffs who filed a suit which was decreed in the year 2000 vide judgment and decree Ex.P1 and Ex.P2.

Defendants-appellants contested the suit and pleaded that the plaintiffs have surrendered their tenancy rights with respect to land comprised in Rectangle No.68, Khasra no.18/2 and 24/1 and they had made a statement to that effect while appearing before the patwari in the year 1966-1997.

Learned trial court after appreciating the evidence found that

change of entry in the revenue record is in the year 1977-1978 but defendants did not produce on record any mutation or order from which it can be decipher on what basis change in the revenue record has been entered into.

Still further trial court found that once in the year 2000, there is a decree passed in favour of the plaintiffs and thereafter there is not even assertion that the plaintiffs have surrendered their possession, hence, the suit filed by the plaintiffs was ordered to be decreed.

Learned first appellate court after re-appreciating the evidence affirmed the findings of fact arrived at by the trial court.

This court has heard learned counsel for the appellant at length and with his able assistance gone through the judgments passed by the courts below.

Learned counsel for the appellants could not draw attention of the court to any substantive error or misreading or non-reading of evidence by the courts below.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

September 24, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No