

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

**RSA No.4568 of 2017 (O&M)
Date of Decision.30.08.2018**

Ram PalAppellant
Vs
Om Parkash and others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ivneet Singh Pabla, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

The appellant-defendant has not been successful in defending the suit filed by the plaintiffs seeking correction of khasra girdwaries/revenue entries, owing to the decree dated 23.04.2005.

The respondent-plaintiff instituted the suit on the ground that they are Dholdars of the land and had been in possession thereof. However, the defendant obtained a decree of the land measuring 3 bighas 5 biswas comprised of khasra No.2270. The aforementioned judgment and decree was set aside vide judgment and decree dated 23.04.2005 and had attained finality. The plaintiff had already taken possession of land measuring 1 bigha 12 biswas of Khasra No.2270/2 but however, entry remained in the name of defendant and therefore, the suit was filed.

The suit was contested by the defendant denying the possession of the plaintiff.

On the preponderance of evidence, the trial Court decreed the suit and the appeal laid before the lower Appellate Court was also dismissed.

Learned counsel for the appellant submitted that the

appellant-defendant is aggrieved of the finding rendered in penultimate paragraph of the judgment and decree of the lower Appellate Court wherein it has been found that the plaintiff had been put in possession vide rapat roznamcha but ignored the fact khasra girdawari of 2013 wherein the defendant was shown in possession and therefore, there is abdication.

I have heard learned counsel for the appellant, apprised the paper book and of the view that there is no force and merit in the submission of Mr. Pabla. No doubt, the appeal vis-a-vis the finding rendered by the trial court, though the decree is against the plaintiff, is maintainable. In the instant case, the decree is against the plaintiff.

Be that as it may, such finding on possession is based on report No.329 dated 21.04.2008, which has not been controverted by any direct and cogent evidence. The best possible evidence of pre and post roznamcha of 2008 i.e. of the year 2007 and 2009 has not been brought on record, therefore, khasra girdawari of 2013 would be meaningless.

For the reasons aforementioned, I do not find any illegality and perversity in the judgment and decree rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed. Resultantly, the application for condonation of delay of 158 days in filing the appeal is also dismissed.

(AMIT RAWAL)
JUDGE

August 30, 2018
Pankaj*

Whether Speaking/Reasoned Yes

Whether Reportable No