

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 5181 of 2017 (O&M)
Date of decision : May 11, 2018

Punjab State and others

..... Appellants

Versus

Thakar Dawara Nanak Dass, Pharwahi

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Ms.Devaki Anand Sullar , AAG., Punjab
for the appellants.**

AMIT RAWAL, J (oral).

The appellants-defendants are aggrieved of the judgment and decree dated 10.8.2017 of the lower appellate Court whereby it had modified the judgment and decree of the trial court which had decreed the suit of the respondent-plaintiff declaring owner of trees mentioned in the demarcation report Ex. P-7.

Learned counsel appearing on behalf of the appellants submits that the trial Court has relied upon the demarcation report Ex.P-7, for, it was signed by an officer of the department but ignored the other evidence i.e. that the trees were planted by the department and the land underneath was acquired by the department way back in the year 1984. The suit was filed only in the year 2012. The lower appellate court did not agree with the demarcation report but modified the decree by granting ownership with regard to seven Safeda trees two Kikkar tree and urges this Court that there is illegality and perversity in the judgments and the same are liable to be set aside.

I have heard learned counsel for the appellants and appraised the paper book and of the view that the finding of fact arrived at by the lower appellate court is correct appreciation of law. The local Commissioner who inspected the site had given a report that two Safeda trees and one Kikkar tree in khasra No.3364, three Safeda trees in khasra No.3365 and two Safeda trees and one Kikkar tree in khasra No. 3394 situated in the area of village Pharwahi, Tehsil and District Barnala belong to the plaintiff. By noticing the aforementioned facts the lower appellate court had agreed the ownership of the plaintiff. Once in the jamabandi the plaintiff was shown ownership of the aforementioned khasra numbers, the finding arrived at by the lower appellate court granting ownership of Seven Safeda trees and two Kikkar trees in the aforementioned khasra numbers cannot be said to be suffering from any illegality.

There is no illegality or perversity in the aforementioned judgments and decrees of the courts below nor any substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

May 11, 2018
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Whether speaking/reasoned	Yes
Whether Reportable	No