

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

RSA-5522-2017 (O&M)

Date of decision : 02.07.2018

Kamla and others

..... Appellants

VERSUS

Ran Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. C.B. Goel, Advocate, for the appellants.

DEEPAK SIBAL, J. (ORAL)

The appellants, who were the original plaintiffs, had filed a suit seeking therein to be declared owners in possession of the suit property as described in para 1 of the plaint. Consequential relief of permanent injunction for restraining the defendants (respondents herein) from dispossessing the appellants from the suit property was also prayed for.

After sifting the evidence which came on the record and considering the arguments of learned counsel for the parties, the Trial Court dismissed the appellants' suit. An appeal preferred by the appellants met the same fate at the hands of the Appellate Court giving them a cause to file the instant second appeal.

Mr. C.B. Goel, Advocate, appearing on behalf of the appellants does not press the prayer with regard to the declaration as sought in the suit. However, he assails the findings of the Trial Court as also the Appellate Court with regard to non grant of injunction.

After hearing learned counsel for the appellants at length I am of the opinion that the present appeal has no merit.

As per the revenue record which was duly produced and proved

before the Trial Court the respondents were recorded as owners in possession of the suit property since the year 1982. It is further clear from the record that the plaintiff Ram Kishan was aware of these entries in the revenue record in favour of the respondents right from the year 1982. PW-2 Prem Singh also admitted that in the year 1983 the entries in the *girdawari* were made in favour of the respondents but against the same no appeal was filed. In spite of such knowledge challenge in this regard was made by the appellants through the instant civil suit which was filed after about 26 years without explaining the delay in filing of the same.

The appellants have placed reliance upon *jamabandis* for the years 1970 to 1981 (Ex. P7 to Ex. P9) in which Lal Singh son of Aman Singh, who was the predecessor-in-interest of the appellants, was recorded in cultivating possession of the suit land. Admittedly, Lal Singh had died in the year 1973. Entries made in favour of a dead person would have no value. Even otherwise, the appellants have not shown as to how their predecessor-in-interest or they came in possession of the suit property.

In view of the above, no fault is found in the concurrent findings returned by both the Trial Court as well as the Appellate Court.

No question of law much less any substantial question of law arises in the present appeal warranting interference.

The appeal is accordingly dismissed.

02.07.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No