

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

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**RSA No.84 of 2017 (O&M)
Date of Decision : 05.09.2018**

Nathu Ram and another

..... Appellants

Versus

Dharampal

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arihant Jain, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit filed by the respondent.

The case of the respondent was that he and his two brothers were joint owners of the land and after partition he had become the owner of 16 marlas of abadi land. Some time ago the appellants had represented to him that they wanted to get the house repaired and being a co-villager and, since the respondent did not require the premises he had just opened his house to enable the appellants to live there for three months. However, when he asked the appellants to vacate the premises, the appellants refused. Hence the present suit.

The case of the appellants on the other hand was that they accepted that at one stage the respondent and his two brothers were owners

of the land in dispute but later on they had orally exchanged that property with another property owned by the appellants. Both the Courts below decreed the suit primarily on the ground that the appellants were not able to lead any evidence of the oral exchange because the same was not reflected in the revenue record and consequently held the respondent to be the owner.

Learned counsel has not been able to show how he could succeed in establishing the plea of oral exchange where the same was not reflected in the revenue record.

Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

05.09.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No