

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.6052 of 2016 (O&M)

Date of decision: 20.02.2019

Harjeet Singh Gujral

..... Appellant

Versus

Lalit Kumar Nagar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kul Bhushan Sharma, Advocate
for the appellant.

Mr. M.K. Sood, Advocate
for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the First Appellate Court reversing the judgment of the trial Court.

Plaintiff filed a suit for permanent injunction claiming that he is a tenant under defendant No.3-Nitta Singh. In order to prove that fact, the plaintiff produced on file an affidavit of Nitta Singh and a copy of the Rapat Roznamcha incorporating the name of Nitta Singh. However, that Rapat Roznamcha was not signed by any revenue official. Still further, the plaintiff has also produced on record copies of certain Khasra Girdwaries recording him to be in possession. First Appellate Court has relied upon sale deed executed by Nitta Singh in favour of Kalpana Shyam Sunder Munshi Ex.P-8 in which it is recorded that the appellant is wrongly recorded as Gair Marusi in the revenue record and the possession has been

delivered and in the subsequent registered sale deed dated 04.04.2005 executed by Kalpana Shyam Sunder Munshi in favour of defendants No.1 and 2. The plaintiff who came to the Court claiming tenancy has failed to prove that fact by leading cogent evidence. The plaintiff has also failed to prove that he is in continuous possession thereof. The Jamabandi (record of right) is prepared after every 5 year. The plaintiff has failed to produce any Jamabandi proving that the plaintiff is in possession of the property as tenant previously under Nitta Singh and thereafter, again under the vendees.

In such circumstances, there is no ground to interfere.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

20.02.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No