

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5347 of 2017 (O&M)

Date of Decision: February 13, 2019

Bant Singh

...Appellant

Versus

Sher Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

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

AMIT RAWAL, J. (Oral)

CM Nos.14297-C & 14298-C of 2017

For the reasons mentioned in the applications, which are supported by affidavits, delay of 68 days in filing and 35 days in re-filing the appeal is condoned.

Applications stand disposed of.

RSA No.5347 of 2017

The present Regular Second Appeal is directed against the judgments and decrees of the courts below, whereby the counter claim of defendant No.1 with regard to the land comprised in Khewat No.102/1, Khatoni No.221/1, Khasra No.1301/306/1 (0-6) (10 karam x 12 karam) has been decreed and the appeal preferred by the plaintiff was dismissed.

Mr. Arihant Jain, learned counsel appearing on behalf of the appellant-plaintiff submitted that the counter claim of defendant No.1 has not been able to establish his possession and the question of title was not

involved. In fact, the documentary evidence revealed the possession of the plaintiff.

I am afraid, the aforementioned argument is not sustainable as the documentary evidence, i.e., jamabandi for the year 2006-07 reflects the ownership and possession of the plaintiff in respect of the khasra numbers being part of the decree and not with regard to Khasra No. 306/1, i.e., 0-6 biswas as it was recorded in the name of the defendants. No contrary evidence has been placed on record before the Lower Appellate Court or pointed out.

In view of such position, the argument of the learned counsel is not able to bring the case within the realm of perversity. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

February 13, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No