

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 763 of 2013 (O&M)

Date of Decision: 17.01.2020

Ram Parkash and Others

... Appellant(s)

Versus

Dropti and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. C.L.Sharma, Advocate
for the appellants.

Mr. Harinder Kumar Aurora, Advocate
for respondents No. 1, 3, 7, 9 & 10.

Anil Kshetarpal, J.

The legal heirs of defendant No.1 are in regular second appeal against the concurrent findings of fact arrived at by the learned Courts below decreeing the suit for possession filed by the plaintiffs. The learned trial Court has passed judgment & decree dated 17.08.2007, operative portion whereof reads as under:-

“17. In view of my findings upon issue No.1, the suit of plaintiff succeeds and is decreed against defendant No.1 Gurbachan Lal for possession of suit land comprised in Khasra No. 6//15 (5-11), Khasra No. 5//11/1 (3-11) and 12/1 (3-12). Defendant Gurbachan Lal is directed to hand over the possession of this land to plaintiffs and defendants No. 2 & 3 forthwith. Decree sheet be prepared accordingly. File be consigned to Record Room.”

The aforesaid judgment & decree was affirmed in appeal by the learned first Appellate Court.

During the pendency of the present appeal, possession of the land in dispute has been delivered to the plaintiff/decreed holders in the execution proceedings.

Both the Courts have found that originally the land belongs to “The Jalandhar District Scheduled Caste Vimukat Jatis Co-operative Agricultural Society, Jalandhar” having 35 members. The aforesaid Society has distributed the land among its members on the instructions of Welfare Department, District Jalandhar. Both the Courts have found that the land in question has been allotted to the plaintiffs and not to the defendant No.1. Thus, both the Courts have found that defendant No.1 is in unauthorized possession.

Learned counsel appearing for the appellant submitted that the plaintiffs have filed a suit by referring to the land as rectangle No. 5, khasra Nos. 5//11 (3-11) and 12 (3-12). He, hence, submitted that the suit has been decreed for a different land.

This Court has considered the submissions, however, finds no substance therein. Each khasra number is comprised of normally 8 kanals land. The word “min” refers to be a part thereof. What has been decreed is that the plaintiffs have been held entitled to land measuring 12 kanals & 14 marlas as was prayed by the plaintiff. The revenue official also verified that the plaintiffs have been allotted land comprised in Rectangle No. 6 khasra No. 15(5-11), Rectangle No. 5 khasra Nos. 11/1 (3-11) & 12/1 (3-12).

Hence, there is no substance in the submission of learned counsel for the

appellant.

In view of the above, no ground is made out to interfere. As such, present regular second appeal shall stand dismissed. All the miscellaneous applications, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

January 17, 2020
“DK”

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