

**RSA- 2661 of 2018 (O&M)**  
**Date of Decision: 24.1.2020**

**Smt. Shanti Devi and others**

**---Appellants**

**versus**

**Rajpal**

**---Respondent**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. D.S.Nain, Advocate  
for the appellants**

**\*\*\***

**Rekha Mittal, J.**

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for permanent injunction restraining the appellants-defendants from dispossessing the respondent-plaintiff from suit land, detailed in para 4 of the plaint, was decreed by the trial court vide decree and judgment dated 7.12.2015 that came to be affirmed in appeal by the Additional District Judge, Kaithal.

Perusal of the impugned judgments reveals that dispute between the parties is in respect of possession of land in question.

Counsel, in response to a query, would fairly inform that though the land is recorded to be jointly owned by co-owners but respondent-plaintiff is recorded to be in possession of the disputed land. He has also failed to point out any materials on record sufficient to rebut correctness of entries in the revenue records particularly jamabandis pertaining to land in question. He has also failed to point out any oral

evidence on record that establishes that suit land is in possession of appellants-defendants. As per the settled position in law, civil disputes are to be decided on the basis of balance of probabilities. Equally true is that concurrent factual findings recorded by the courts can be intervened if these suffer from perversity or raise a question of law. In the given case, the appellants have failed to make out a case that necessary intervention is warranted.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 46 days in refiling the appeal is of academic relevance.

**(Rekha Mittal)**  
**Judge**

**24.1.2020**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No