

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

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RSA No.5668 of 2018 (O&M)

Date of decision : 25.02.2020.

Padam Kumar

... Appellant

Versus

Suvinder Kaur

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Haneet Sharma, Advocate for
Mr. Ranjit Saini, Advocate for the appellant/defendant.

Anupinder Singh Grewal, J. (Oral)

The appellant/defendant has challenged the judgments and the decrees and of the Courts below whereby the suit preferred by the respondent for possession and mesne profits has been decreed.

Learned counsel for the appellant contends that as the appellant/defendant had been recorded as '*Gair Maurusi Tenant*' in the Khasra Girdawari for the year 2010-14, the suit of the respondent/plaintiff should have been dismissed.

Heard.

The respondent/plaintiff had filed a suit for possession and mesne profits with regard to land measuring 01 kanal 04 marlas bearing khewat/khatauni no.131/158, khasra no.6//24/2(1-4), situated at village Mauja Pipliwala, H.B. No.41, tehsil Bilaspur, district Yamunanagar. The plaintiff is stated to have purchased the suit land in the year 2011 from Mehar Chand and Sunita Parashar vide registered sale deed Nos.2453 and 2454. Mutation nos.427 and 428 were also sanctioned on the basis of the sale deeds. It was stated by the plaintiff that the suit land had been leased out through her

husband in favour of Balwan and thereafter, in favour of Ravinder Kumar, who were the residents of village Pipliwala. The defendant/appellant herein is stated to have taken illegal possession of the suit land in October-November, 2011 and cultivated crop by taking advantage of the absence of the plaintiff. Entries of Goshwara (Ex.D1) and khasra Girdawari (Ex.D2) as referred by the counsel for the appellant/defendant indicate that the appellant/defendant was recorded as '*Gair Maurusi Tenant*' but these entries in khasra Girdawari have been corrected by the order of the Tehsildar which was produced as Ex.P3. Upon an application preferred by the plaintiff/respondent, demarcation of the suit land had been carried out and as per the report of the Field Kanungo, the appellant/defendant was shown to be in illegal possession over the suit property.

In view of the above, I do not find any illegality in the concurrent findings of fact recorded by the Courts below that the plaintiff was the rightful owner and entitled to possession. The mesne profits determined @ ₹2,000/- per kanal per annum from the date of illegal encroachment since October-November, 2011 till the date of delivery of actual possession of the suit land to the plaintiff, on the basis of the evidence led by her, are just and reasonable.

Consequently, this appeal, being devoid of merit, stands dismissed.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

February 25, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No