

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

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RSA No.6244 of 2018 (O&M)

Date of decision : 22.01.2020.

Pargen Singh

... Appellant

Versus

Narinder Pal Singh and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Rupinder K. Thind, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)

The appellant/defendant No.1 has challenged the judgments and decree of the Courts below whereby the suit preferred by respondent No.1/plaintiff has been decreed and the appeal thereagainst filed by the appellant/defendant No.1 has been dismissed.

Learned counsel for the appellant/defendant No.1 contends that the appellant/defendant No.1 was in possession of the suit land through an agreement dated 26.09.2001 which was executed by the father of respondent No.1/plaintiff, namely, Dilbagh Singh.

Heard.

Respondent No.1/plaintiff had filed a suit for permanent injunction restraining the appellant/defendant No.1 and others from taking forcible possession or interfering into the peaceful possession of respondent No.1/plaintiff over the suit land i.e. 1/3rd share out of total land measuring 12 kanals 20 marlas comprising in Khewat No.694, Khatauni No.584, Khasra Nos.39//1/2, 2/1, 10/3, 48//6/1, 50//15/1, as per *jamabandi* for the year 2009-10 in any manner. The suit filed by respondent No.1/plaintiff had been decreed by the trial Court and the appeal preferred there against by appellant/defendant No.1 was dismissed. It is evident from the perusal of the material on record that as per the revenue record,

especially, a copy of the *jamabandi* for the year 2009-10, the suit land was in possession of Dilbagh Singh, who is the father of respondent No.1/plaintiff to the extent of 1/3rd share along with other co-sharers. The suit land, after the death of Dilbagh Singh, was mutated in the name of respondent No.1/plaintiff vide mutation no.4043 and as per revenue record, the ownership of the suit land is in the name of 'panchayat deh'. It is also evident that the appellant/defendant No.1 had filed a suit on the basis of agreement dated 26.09.2001, which was dismissed by the trial Court on 08.02.2012. A certified copy of the judgment and decree of the trial Court dated 08.02.2012 was placed on record as Ex.P2. The appellant/defendant No.1 had also preferred an application for correction of Khasra Girdhwari, which was also dismissed by the revenue authorities. Copies of the orders of the revenue authorities were also produced in evidence as EX.P3 and Ex.P4. The appellant/defendant No.1 while appearing as DW-3, in his cross-examination, has admitted that he had not seen Dilbagh Singh (father of respondent No.1/plaintiff) and, therefore, it has been held by the Courts below that when the appellant/defendant No.1 had not seen Dilbagh Singh, then how the agreement in question between him and Dilbagh Singh had been executed. DW-2 Sohan Singh, who was one of the attesting witnesses of the alleged agreement, had also admitted that in the revenue record, respondent No.1/plaintiff was shown to be in possession of the suit land.

Consequently, I do not find any merit in this appeal and the same stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 22, 2020
sonia gugnani

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