

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 172 of 2020 (O&M)

Date of Decision: 14.03.2022

Sucha Singh and Others

... Appellant(s)

Versus

Government of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pawan Kumar Sharma, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The appellants are the plaintiffs in a suit for grant of decree of declaration to the effect that they are the owners to the extent of half unit, which was restored vide an order dated 07.08.1974. The plaintiffs claim that late Sh. Santa Singh was allotted the land measuring 23 Bighas and 5 Biswas by the Rehabilitation Department. Similarly, Smt. Budhi, widow of Sh. Mangal Singh (sister-in-law of late Sh. Santa Singh) was also allotted some land. The aforesaid allotment was cancelled in the year 1966-67. The plaintiffs claim that, in appeal, some part of the land was re-allotted to them. The defendants contested the suit while asserting that the suit is vague as the description of the suit property has not been given. The remaining defendants claim that they are the bonafide purchasers of the land from the Government in a public auction. Both the Courts below, after recording a finding that the plaintiffs have failed to give description of the land and their pleadings are vague, dismissed the suit. Before the First Appellate Court, an application for permission to lead additional evidence was filed, which was

dismissed by the Court after finding that the order, sought to be produced in additional evidence, has already been set aside.

2. Heard learned counsel representing the appellants, at length and with his able assistance, perused the paper book.

3. The learned counsel representing the appellants, while referring to the caption of the suit, submits that the rectangle number and killa numbers of the land have been recited in the plaint and therefore, the suit property description cannot be said to be vague and unclear. On a Court question, the learned counsel representing the appellants has failed to draw the attention of the Court to any assertion in the plaint as to what will be the extent of half unit of the land. Moreover, there is no explanation as to what is the total number of units, out of which half is being claimed by the plaintiffs.

4. Since the suit has been dismissed on the ground that the plaintiffs have failed to give complete description of the property in order to identify the suit property, therefore, there is no error in the concurrent findings of facts arrived at by both the Courts below.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Consequently, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 14, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No