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

**RSA-850-2023 (O&M)
Date of Decision: 27.03.2023**

Sheela Devi and others

..... Appellants

Versus

Jiva Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Abhinav, Advocate, and
Mr. Vikram Singh, Advocate,
for the appellants.

RAJBIR SEHRAWAT, J. (ORAL)

CM-3240-C-2023

This is an application for condonation of delay of 55 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 55 days in filing the appeal is condoned.

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The present regular second appeal has been preferred by the appellants/defendants against the judgment and decree dated 17.01.2017 passed by the Civil Judge (Junior Division), Mukerian, partly decreeing the suit in favour of respondents/plaintiffs, as well as, the judgment and decree dated 13.10.2022 passed by the Additional District Judge, Hoshiarpur, whereby the appeal filed by the appellants/defendants has been dismissed.

The plaintiffs in the suit had claimed that they were owner in

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possession of the suit property in question having been allotted to them during consolidation and that the appellants-defendants had dispossessed them illegally and forcibly. After dispossession, even the trees standing on the land were cut by the defendants. Accordingly, the suit for possession, along with damages for the trees cut and appropriated by the defendants, was filed. The suit was partly decreed by the Trial Court to the extent of granting possession to the plaintiffs. However, the relief regarding damages on account of cutting trees was not found sustainable. Accordingly, the said relief was denied. The appellants filed appeal before the lower appellate Court. Even the plaintiffs had filed cross-objections. The lower appellate Court has dismissed the appeal filed by the present appellants and also the cross-objections filed by the plaintiffs. Hence, the present appeal has been filed by the defendants of the suit.

A bare perusal of the paper book shows that the plaintiffs, in order to substantiate their claim, have in led evidence in the consolidation proceedings as Exhibit P-5 and have also placed on record the jamabandi regarding the suit property, showing the plaintiffs to be the owner in possession of the suit property as late as in the year 2005-2006. Even the jamabandi, which was led in the evidence by the defendants/present appellants shows the plaintiffs to be the owner of the suit property. Therefore, the Courts below have not committed any illegality in decreeing the suit to the extent it has been decreed.

So far as the other relief of the damages is concerned, the said

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relief already stands declined by the Courts below and the plaintiffs are not even in appeal before this Court, so far. Therefore, this aspect need not even be referred herein this appeal. Moreover, both the Courts below have recorded the concurrent findings of facts. This Court is not required to interfere against the judgment and decree passed by the Courts below only because a different opinion is possible by re-appreciation of the evidence. No law point, as such, has been addressed before this Court.

In view of the above, this Court finds no merit in the present appeal and the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

27.03.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No