

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102

**RSA-4249-2019 (O&M)
DATE OF DECISION: 07.02.2023**

TARA CHAND

... Appellant (s)

Versus

**RATNA @ RATTAN SINGH (SINCE DECEASED) THROUGH HIS
LRS AND ANR**

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kamal Mor, Advocate
for the appellant.

ANUPINDER SINGH GREWAL, J. (ORAL)

CM-11891-C-2019 & CM-11892-C-2019

These are applications for condonation of delay in filing and refilling the present appeal.

For the reasons stated in the applications, the same are allowed and the delay in filing and refilling the present appeal is condoned.

MAIN CASE

Learned counsel for the appellant submits that the appellant was owner in possession of the suit land through exchange with the defendant. The exchange had been entered in the account books (bahi), therefore the appellant is seeking injunction over the suit land and contends that the suit ought to have been decreed.

Heard.

The appellant-plaintiff had filed a suit for declaration that he is owner in possession of gairmumkin land measuring 3 kanals 10 marlas. The appellant-plaintiff has claimed the ownership of the land through exchange

but the factum of the exchange has not been reflected in the revenue record. He had sought to prove the exchange only through oral evidence and the entries in the account books which would not be sufficient for the suit to be decreed. The suit land is in the joint ownership of various co-sharers and the plaintiff has not been found to be in the exclusive possession thereof. In the absence of any documentary evidence including the revenue record indicating the factum of exchange, I do not find any infirmity in the judgments of the Courts below whereby the suit of the appellant-plaintiff has been dismissed.

Consequently, the appeal stands dismissed.

Civil miscellaneous application(s), if any, also stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

07.02.2023

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No