

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

109

RSA No.4845 of 2019 (O&M)
Date of Decision: 09.08.2023

Manphool Singh

.....*Petitioner*

Versus

Jai Narayan and Ors.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Abhishek Yadav, Advocate
for the appellant.

GURBIR SINGH, J (ORAL)

CM No.13819-C-2019

1 The present application has been filed for condonation of 387 days' delay in refiling the appeal.

2 In view of the grounds taken in the application, which is supported by an affidavit, delay of 387 days in refiling the appeal is condoned.

3 Application stands disposed of.

Main case

1 Regular Second Appeal is filed against the concurrent findings recorded by both the Courts below, whereby suit of the appellant (hereinafter called plaintiff) has been dismissed.

2 The plaintiff sought declaration with regard to various killa numbers including killa No.5/1 but in para No. 3 of the plaint, the dispute raised is with regard to killa No.5/1 only. The specific case of plaintiff is that

killa no.5/1 was allotted to him in partition proceedings whereas case of defendants No.1 to 5 is that at the time of final partition order dated 03.08.1994 passed by the Revenue Authorities, the said killa number was allotted to the defendants and mutation No.639 was also entered and sanctioned on the basis of final partition.

3 Learned Trial Court held that Ex.P3 is Mutation of partition and said killa number is not allotted to the plaintiff. In the Jamabandi for the year 1995-96 (Ex.P2), Jai Narayan etc. i.e. defendants are recorded as owners in possession of Khasra No.21//5/1 (2-4) i.e. property in dispute.

4 The said findings has been affirmed by the learned First Appellate Court. Presumption is attached to the entries in the jamabandi. Said presumption is rebuttable. It is not case of plaintiff that mutation and entries in jamabandi are incorrect. It is not a case where learned Courts below have not appreciated the evidence properly. There is no question of law involved in this appeal much less substantial question of law.

5 Finding no merit in the appeal, the same is accordingly dismissed.

09.08.2023

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(GURBIR SINGH)
JUDGE

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