

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.597 of 1990 (O&M)
Date of Order:07.02.2024

Dharambir and others

.Appellants

Versus

Lalji (since deceased) through LR's and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hitesh Malik, Advocate
for the appellants.

ANIL KSHETARPAL, J

CM-1017-C-2024

1. For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Sh. Satbir Singh[appellant no.3] mentioned in paragraph 1 of the application, is allowed, subject to all the just exceptions.
2. The amended memo of parties is taken on record.
3. CM stands disposed of.

MAIN

4. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiffs. Their suit for grant of decree of declaration that they are absolute owners in possession of 101 kanals and 6 marlas comprised in Killa Nos.218, 219, 226, 227 and 260, situated within the revenue estate of Village Dhani Mahu, Tehsil Bhiwani and the impugned judgment dated 24.01.1983, in civil suit titled as "Kurda vs. Manohar Singh and others" whereby the khasra

girdawari and jamabandi for the year 1972-1973, were ordered to be corrected in favour of defendant no.1 from batai to lagaan are not binding on them has been dismissed. The plaintiffs were held to be owners but defendant no.1-Lalji was held to be tenant in possession of land measuring 77 kanals and 8 marlas.

5. It may be noted here that the Sh. Kurda is predecessor in interest of defendant no.1.

6. Both the courts on appreciation of the evidence have found that though the plaintiffs are owners, however, they are not in possession of the entire land. In fact, Sh. Lalji son of Sh. Kurda has been held in possession of 77 kanals and 8 marlas of land.

7. The learned counsel representing the appellants made sincere attempt, however failed to draw the attention of the court to any substantive misreading or non reading of material facts affecting the result of the case. He also failed to draw the attention of the court to any perversity in the judgment passed by the courts below.

8. Hence, dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

February 07, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO