

2024:PHHC:051759
**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-2087-1991 (O&M)
Date of decision: 18.04.2024

Smt. Parmeshwari and another

....Appellants

Versus

Smt. Singhari and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Nitin Gupta, Advocate for
Mr. Prateek Gupta, Advocate for the appellants
Ms. Manisha Nehra, Advocate for
Mr. Vijay Pal, Advocate for respondent no. 3, 5 and 6

ANIL KSHETARPAL, J (Oral)

CM-6878-C-2017

1. For the reasons stated in the application, the appeal is re-admitted for hearing. The order dated 08.05.2017 is recalled.
2. CM stands allowed.
3. With the consent of the learned counsel representing the parties, the main case is taken on Board for final decision.

Main case

4. This is the plaintiff's Regular Second Appeal against the concurrent findings of fact arrived at by the courts below while dismissing their suit for the grant of decree of declaration that the defendants are in cultivating possession of the suit property as tenants on payment of 1/3rd share (Batai). In substance, the plaintiffs claim that they inducted Sh.Uday Singh, predecessor of the defendants as tenant on payment of 1/3rd Batai, which in revenue record has been changed to

nominal rent. The defendants, while contesting the suit, claimed that the amount of rent was equivalent to the amount of land revenue, which was payable to the State Government. They have never paid any amount as rent to the plaintiffs. The court, after examining the old revenue record, has also come to a conclusion that the plaintiffs have failed to establish their case.

5. Though, the learned counsel representing the appellants made sincere attempt, however, failed to draw the attention of the Court to any substantive mis-reading, non-reading or perversity in the judgments passed by the courts below.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

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

18.04.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE