

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 3171 of 1994

Date of Decision: 08.02.2024

Lachhmi Chand

... Appellant(s)

Versus

Sada Ram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gurdial Singh Jaswal, Advocate
for the appellant(s).

Mr. S.S.Dinarpur and Mr. Rohit Singh, Advocates
for the respondent No.1.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab and Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.
2. In this regular second appeal, the appellant (plaintiff's son) assails the correctness of the concurrent findings of facts arrived at by both the Courts below while dismissing the suit for the grant of decree of declaration that his father is owner in possession of a plot measuring 4 marlas which was allotted to him during the consolidation of holdings.
3. The defendant No.1, while contesting the suit, claims that the

aforesaid plot has been allotted to him by the Gram Panchayat vide gift deed dated 16.06.1976 under the Twenty Point Programme of the Government to provide plots to the homeless persons. Both the Courts below found that as per the revenue record, the property belongs to the Gram Panchayat and it has been gifted in favour of the defendant No.1.

4. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book along with the record of the Courts below, which is available in the digital form.

5. The learned counsel representing the appellant submits that from the jamabandi of the years 1954-55 and 1985-86, it is evident that the plot was allotted to the appellant by the consolidation authorities.

6. This Court has perused the copy of jamabandi for the year 1954-55. In the ownership column, the land is recorded in favour of the Gram Panchayat. In the ownership column, the land is recorded as *panchayat deh*. Thus, the Gram Panchayat has been recorded as owner of the property. In the cultivation column, the predecessor-in-interest of the appellant is recorded to be in possession of a residential plot. There is no evidence to prove that the land was allotted to the predecessor of the appellant. After the year 1954-55, there is again a stray entry in favour of the appellant in the jamabandi for the year 1985-86. In this jamabandi again, there is no entry to prove that the land was ever allotted to the appellant. The plaintiff is required to stand on his own legs. He came to the Court while asserting that he was allotted the plot during the consolidation of holdings in the village. However, he failed to prove the aforesaid facts.

7. Keeping in view the aforesaid facts and discussion, the result is inevitable and the present appeal is dismissed.

February 08, 2024
“DK”

(Anil Kshetarpal)
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No