



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

RSA-2917-1998

Date of Decision:-19.12.2024

MUNICIPAL COMMITTEE, TAPA AND ANR

... Appellants

Versus

SAUDAGAR SINGH

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Manjinderjit Singh Bedi, Advocate
for the appellants.

ALOK JAIN, J. (Oral)

1. The present Regular Second Appeal arising out of the concurrent findings passed by the learned Courts below, whereby the suit for declaration and permanent injunction filed by the respondent-plaintiff was decreed.
2. Learned counsel for the appellants has vehemently argued that both the Courts below have fell in error in allowing the suit despite the fact that the respondent-plaintiff could not prove any document of ownership of the said property.
3. Heard learned counsel for the appellants at length and perused the record and it is admitted position that the respondent/plaintiff is in possession of the said property for more than 80 years and the learned trial Court rightly held that the Court cannot be oblivious of the fact that the document of title are not easily available of those properties which are



devolved from generation to generation and therefore, onus was shifted to the defendants (present appellants) to prove that the respondent/plaintiff was not the owner of the house in dispute. The appellants being a Government Authority has no record of it being the owner of the said property and therefore the suit was rightly allowed and the first appeal filed by the present appellants was also rightly dismissed.

4. In view of above, I do not find any infirmity or illegality in the orders passed by both the Courts below much less there is no substantial question of law which arises.

19.12.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No