

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1590 of 2021 (O&M)

Date of Order:15.04.2024

Shamsher Singh and others

.Appellants

Versus

Anita and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aakash Singla, Advocate
for the appellants.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent judgments and decrees passed by the courts below while dismissing their suit for grant of decree of declaration that they are owners in possession of the suit land to the extent of 1/6th share and the defendants have no right by virtue of sale deeds dated 24.12.2009 and 08.01.2010. In the alternative, they have prayed for decree of possession.

2. In nutshell, the plaintiffs claim that their grandfather was cultivating the suit land prior to 1950 as 'Gair Marusi' tenant. Subsequently, in the year 1971, he purchased the property. In this case, the consolidation of holdings in the village took place in the year 1977.

3. Both the courts have held that the plaintiffs have failed to prove that the suit land was allotted to them after consolidation of holdings was completed. At the time of consolidation of holdings, the entire land of the village is put in a common pool and thereafter after consolidating the land of the various villagers, a compact parcel of land is allotted to them.

4. This Bench has heard the learned counsel representing the

appellants at length and with his able assistance perused the paper book.

5. The learned counsel representing the appellants submits that the First Appellate Court has erred in permitting the defendants to produce additional evidence, namely, the order passed by the Commissioner while deciding two revision petitions during the pendency of the appeal. He submits that no counter opportunity has been given to the plaintiffs.

6. This court has considered the submissions of the learned counsel representing the appellants and requested the learned counsel to address the court without looking into the order passed by the Commissioner. He was also requested to prove that the suit land was allotted to the plaintiffs after the consolidation of holdings was completed.

7. The learned counsel representing the appellants failed to prove that fact. Even if the order passed by the Commissioner is ignored, still the plaintiffs are required to stand on their own legs. One of the brother of the plaintiffs also filed previously instituted similar suit which was withdrawn.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

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

April 15, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO