

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1094-2018 (O&M)
Date of Decision: 29.10.2024

RATI RAM

VS.

SATISH AND OTHERS

... APPELLANT

... RESPONDENTS

CORAM: HON’BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ajay Ghangas, Advocate, for the appellant.

DEEPAK GUPTA, J.

One of the plaintiffs of the Civil Suit is before this Court in the present Regular Second Appeal against the concurrent findings of the Courts below.

2.1 Appellant along with his brother-Maha Singh (*proforma respondent*) brought a suit seeking possession over the suit property by claiming that their father had been allotted a plot measuring 250 sq. yard situated in Abadi of village Malikpur (*detailed and described in para No.2 of the plaint*) at the time of consolidation. Apart from the plaintiffs, other residents of the village were also allotted similar plots and were put in actual possession. It was further alleged that earlier their father was in possession of the disputed plot and thereafter, plaintiffs came in possession, on which they constructed their house and later on, a portion thereof was given to the defendants for their residence. Now defendants have refused to vacate the property and rather they want to raise construction thereon.

2.2 Defendants refuted the claim of the plaintiffs and denied that father of the plaintiffs was ever allotted plot of 250 sq. yard as claimed by them. As per defendants, it is the plot of 108 sq. yard which had been allotted to the father of the plaintiffs.

2.3 Necessary issues were framed. Evidence produced by both the parties was taken on record. Learned trial Court in its judgment dated 11.01.2016 found that plaintiffs had failed to prove their title to the suit property and so dismissed the suit.

2.4 In the appeal preferred by the plaintiffs, it has been observed by the Appellate Court that plaintiffs-appellants relied upon a document (Ex.PW4/A) revealing that at Sr. No.56, the name of father of the plaintiffs appeared. However, it was found that the said document Ex.PW4/A contained the details, as to whether any non-proprietor was having requirement for allotment of the plot or not. It was found that this document was not showing as to whether any plot was allotted to the persons mentioned in the list. Ld. Court found that on the strength of this document Ex.PW4/A, plaintiffs could not prove that the disputed property was part and parcel of the plot allotted to them, simply because against the name of grand-father of the defendants, a cross had been mentioned to show that no plot was allotted to him. Ld. Appellate Court further observed that as per jamabandi for the year 2004-2005 (Ex.P2), it was nowhere reflected that individual plots were carved out or allotted to the various persons in the land comprised in Khasra No.53/6/2 belonging to the *Panchayat deh*. Ld. Appellate Court also referred to the oral evidence of both the parties and found that plaintiffs had failed to discharge the burden to prove the area of their land.

3. Id. counsel for the appellant could not convince this Court regarding any fault in the findings returned by the Courts below.

4. This Court does not find any reason to interfere in the concurrent findings of facts as recorded by the Courts below, which are based upon the proper appreciation of evidence. No substantial question of law is found to be involved.

5. Dismissed.

29.10.2024
Vivek

(DEEPAK GUPTA)
JUDGE

	Whether speaking/reasoned?	Yes
	Whether reportable?	No