

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2292 of 2018

Date of Decision: 06.02.2024

Ravinder Bhushan and Others

... Appellant(s)

Versus

Prem Dass alias Pritam Dass

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jyoti Parshad Sharma, Advocate
for the appellant(s).

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 defendants assail the correctness of the judgment and decree passed by the First Appellate Court, which, in turn, has reversed the judgment and decree passed by the trial Court.

3. The plaintiff has filed a suit for permanent injunction restraining the defendants from interfering in his possession of the suit land.

He claims to be an owner in possession of the land measuring 79 kanals and

4 kanals out of which the Central Government allotted him the land

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measuring 20 kanals and 18 marlas. In fact, the appellants are the respondent's son and grandsons. The trial Court dismissed the plaintiff's suit on the ground that he failed to prove that he was known as Prem Dass alias Pritam Dass. However, before the First Appellate Court, an application for additional evidence was filed and the Court while allowing the application exhibited a 30 years old document as 'Ex.PX' and the document proves that respondent Prem Dass alias Pritam Dass son of Jagram is one and the same person.

4. The learned counsel representing the appellants, though, has made a sincere attempt, however, failed to draw the attention of the Court to any misreading or non-reading of the material evidence or any perversity in the impugned judgment.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned judgment of the First Appellate Court. Hence, the present appeal is dismissed.

(Anil Kshetarpal)
Judge

February 06, 2024
"DK"

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No