

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No. 581 of 2004.

Date of decision: 29.12.2005.

Jeet Singh & Ors.

... Appellants

Versus

Vinod Kumar & Anr.

... Respondents

Coram :

The Hon'ble Mr. Justice V.M. Jain, Judge.

Whether approved for reporting?¹

For the appellants: Mr. Shrawan Dogra, Advocate.

For the respondents: Mr. Tarlok Chauhan, Advocate.

V.M. Jain, J. (Oral):

This Regular Second Appeal has been filed by the plaintiffs - appellants against the judgments and decrees of the Courts below, whereby the suit filed by the plaintiffs was dismissed by the trial Court and the appeal filed by them was also dismissed by the learned Additional District Judge.

After hearing the learned counsel for the parties and perusing the record, in my opinion, there is no merit in this appeal and the same is liable to be dismissed. The plaintiffs had filed a suit for declaration for declaring the mutations dated 22.3.1986 and 28.12.1998 as well as the entries made in the revenue record regarding the suit land, to be illegal and void. Both the Courts below found it as a fact that the

¹Whether reporters of Local Papers may be allowed to see the judgment?

aforesaid mutations and the entries in the revenue record were perfectly legal and valid and no fault could be found with the same. It was also found that Prem Lal had resumed the suit land and had taken possession of the suit land and had started cultivating it and after his death, defendant No.1 was in possession thereof and that the plaintiffs and proforma defendants were not in possession of the suit land.

These findings given by the Courts below, in my opinion, are findings of fact, based on evidence and do not call for any interference from this Court in the present Regular Second Appeal, especially when nothing has been pointed out before me to show that there was any misreading of evidence or that any material piece of evidence was ignored by the Courts below, while giving these findings.

In view of the detailed discussion above, in my opinion, there is no scope for interfering in the present Regular Second Appeal, especially when no question of law, muchless a substantial question of law, arises for determination in this appeal. Accordingly, the present appeal is dismissed.

CMP No. 1156 of 2004:

In view of the dismissal of the main appeal, the stay order dated 31.12.2004 shall stand vacated and the application stands disposed of.

**December 29, 2005
(BSS)**

**(V.M. Jain),
Judge**

