

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No.201 of 2002 with RSA No.224 of 2002.

Date of decision: 31.07.2014.

1. RSA No.201 of 2002.

Sheela DeviAppellant.

Versus

Daulat Ram and another Respondents.

2. RSA No.224 of 2002.

Sheela DeviAppellant.

Versus

Bir Singh and others Respondents.

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

Whether approved for reporting?¹ No

For the Appellant : Mr.N.K.Thakur, Senior Advocate with Ms.Ishita Bhandari, Advocate, in both the appeals.

For the Respondents : Mr.Ajay Sharma, Advocate, in both the appeals.

Tarlok Singh Chauhan, Judge (Oral).

It is jointly represented by the learned counsel for the parties that during the pendency of the appeal, the order of the Settlement Collector in File No.10/97/SO dated 12.03.1997 had been challenged by the appellant herein in the Court of learned Sub Judge Ist Class, Amb, by way of Civil Suit No.7/98 dated 08.01.1998 which at that time was stated to be pending. The said suit along with Civil Suit

Whether the reporters of the local papers may be allowed to see the Judgment?Yes

No.253/97 stands decreed against the plaintiff and even the appeal preferred against the said judgment and decree stands dismissed by the learned Additional District Judge, Una. No further appeal has been preferred against the said judgment and decree. Meaning thereby, the same has attained finality.

2. In terms of the said order of the Settlement Collector, an area measuring 0-00-93 hectares out of Khasra No.1468/1 and an area of 0-00-67 hectares of Khasra No. 1467/2 were ordered to be entered in the ownership of Bir Singh, son of Charnu. Accordingly, it can safely be concluded that the plaintiff Smt. Sheela Devi is neither owner nor in possession of an area measuring 0-01-60 hectares (0-00-93 +0-00-67) which was part of Khasra No.3368 purchased by her. Therefore, the impugned judgment and decree passed by the learned Courts below are clarified to the extent that the plaintiff Smt. Sheela Devi is not owner of Khasra No. 1468/1 measuring 0-00-93 hectares and Khasra No. 1467/2 measuring 0-00-67 hectares, total measuring 0-01-60 hectares and the judgment(s) and decree(s) passed by the trial Court are affirmed with respect to the rest of the findings.

3. Accordingly, these appeals are disposed of in the aforesaid terms, along with pending application(s), if any, leaving the parties to bear their own costs.

July 31, 2014.
(krt)

(Tarlok Singh Chauhan),
Judge.