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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-2104-2019 (O&M)
Date of decision : 30.11.2022**

RAM CHANDER

..... APPELLANT

VS

SATBIR SINGH AND ORS.

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Ram Avtar Yadav, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

The present Regular Second Appeal has been filed challenging the judgment and decree dated 15.09.2016 passed by learned Civil Judge (Jr. Division), Pataudi, Gurugram, whereby the suit of the plaintiff-appellant was dismissed. Subsequent appeal also came to be dismissed vide judgment decree dated 07.01.2019.

Learned counsel for the appellant submits that both the Courts below fell in error in relying upon the ‘Tark Kastnama’ dated 29.05.2008, which had been executed by his brother Laxman. He further submits that the evidence has not been appreciated in its correct perspective and submits that he is in actual cultivating possession of the suit land. The learned Courts

below after considering entire evidence have recorded the statement of Sh. Kanwar Singh to the effect that father of the plaintiff was a ‘gair-marusi tenant over the suit land, which was inherited by the plaintiff along with his brother Laxman, however the defendants have proved with cogent evidence that the ‘Tark Kastnama’ dated 29.05.2008 had been executed whereby the tenancy rights stood relinquished. Admittedly, the plaintiff did not implead his brother Laxman as a party to the suit and could not dispel the veracity of the said document. It has come on record that the appellant could not demonstrate with any cogent evidence his right on the said property more so in the absence of an alleged power of attorney executed by the original owner Bhola Ram alias Bhola Nath and said Bhola Ram alias Bhola Nath was not even made a party. The factum of the possession of the suit land could also not be proved therefore, both the Courts below have rightly dismissed the suit. Admittedly, there is no infirmity in the judgment and decree passed by the Courts below and no substantial question of law arises for considering the present appeal.

Accordingly, the present appeal stands dismissed.

Miscellaneous application, if any, stands disposed of as having been rendered infructuous.

**(ALOK JAIN)
JUDGE**

30.11.2022

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No