

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

211

2025:PHHC:018404



**RSA-6077-2014 (O&M)
Date of decision: 07.02.2025**

RAJBIR @ BASTI RAM

..Appellant

Versus

KARAN SINGH (DECEASED) THROUGH LRS. & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Shivangi Sharma, Advocate
for Mr. Ashwani Gaur, Advocate
for the appellant.

Mr. Rajbir Singh, Advocate
for Mr. Vikram Singh, Advocate
for LRs of respondent No.1 and 3.

ANIL KSHETARPAL, J(Oral)

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing his suit for grant of decree of declaration that the agricultural land situated in the revenue estate of Rewli is owned and possessed by him. Basically, the plaintiff has challenged the correctness of a Civil Court decree passed on 01.09.1978 in Civil Suit No.119/1978, titled as "Ram Phool etc. Vs. Rajbir". He claims that the decree has been obtained by misrepresentation and he was minor at that time. It has been proved on record by producing the school record that plaintiff was born on 26.01.1958. The clerk as well as the head teacher of the school brought admission register to prove the age of the plaintiff. The evidence produced by the plaintiff Ex.P-1 was not found reliable. Moreover, the plaintiff failed to prove that the decree was obtained by misrepresentation or fraud.



2. Though, learned counsel for the appellant made sincere attempt, however, failed to draw the attention of the Court to any substantive mis-reading of evidence. The scope of interference in regular second appeal is limited.

3. Section 41 of the Punjab Courts Act, 1918, permits interference in the second appeal only if there is substantive mis-reading or non-reading of evidence.

4. Hence, no ground to interfere is made out.

5. Dismissed accordingly.

6. All the pending miscellaneous applications, if any, are also disposed of.

February 07th, 2025

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*