



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

RSA-1872-2016 (O&M)

Date of decision : 28.02.2025

Ram Singh

...Appellant

Vs.

Kirpal Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Sharma, Advocate
for the appellant.

Mr. Prateek Pandit, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing his suit for possession of land comprised in khasra No. 4674/2 (09 kanals 04 marlas) and land measuring 05 marlas comprised in khasra No. 4675 (08 kanals 15 marlas).

2. In brief, the plaintiff filed a suit claiming that he was allotted property in the year 1973 including land comprised in khasra No. 4674 and 4675. Moreover, in the previous litigation, the defendant undertook to handover possession of 02 kanals land comprised in Khasra No. 4674, however, subsequently, he again forcibly entered possession of the property. In order to prove the case, the plaintiff produced allotment letter dated 26.02.1973 with respect to 74 kanals 16 marlas including land comprised in khasra No. 4674, and 4675. The defendant on the other hand claimed allotment of 71 kanals 06 marlas comprised in field Nos. 4665 to 4674.

3. The plaintiff also proved Ex. P6, Daily Diary Report evidencing delivery of possession of the land allotted to him in the presence of the defendant,



which includes both these khasra numbers.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. Learned counsel representing the appellant submits that the land comprised in khasra No. 4674 was also allotted to the defendant prior in point of time as compared to the plaintiff. Hence, he has superior right. He further submits that the previous suit was only with respect to 02 kanals land out of total land comprised in khasra No. 4674, whereas, now the plaintiff is claiming possession of 09 kanals 04 marlas.

6. This Court has considered the submissions made by the learned counsel representing the parties.

7. On careful perusal of the allotment in favour of defendant, it is evident that he has been allotted the land measuring 71 kanals 06 marlas out of land comprised in fields No. 4665 to 4674. Thus, out of 10 khasra numbers, he was allotted only the land measuring 71 kanals 06 marlas. The defendant has failed to prove that he was specifically allotted land comprised in khasra No. 4674. The defendant has also not led any evidence to prove the detail of the land allotted to him in 1969. Moreover, the defendant in the settlement deed dated 04.03.1980 undertook to handover possession to the plaintiff.

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

9. The appeal is dismissed.

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

28.02.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No