

COURT NOTICE

(U/o 5 Rule 20 CPC)



IN THE COURT OF Shri Manish Kumar
Additional District and Sessions Judge-III Sirsa

SUKHJIT SINGH

Vs.

SURENDERPAL SINGH

CNR No. HRSI01-001321-2016

CIS No. CA-129-21.03.2016

NOTICE TO:

1. Usha Rani W/O Harbans Lal S/O Amar Nath
2. Sadhu Singh S/O Balli Ram S/O Jai Ram
3. Kanta Devi, Soma Devi, Murti Devi and Guddi

All Daughters of Jagan Nath

4. Mukesh Kumar S/O Jagan Nath
5. Gurcharan Singh S/O Kaku Singh S/O Mangal Singhj
6. Harbans Singh S/O Prem Singh S/O Thaman Singh
7. Inderjit Singh S/O Harcharan Singh S/O Harbhajan Singh
8. Darshan Singh S/O Gurdev Singh S/O Puran Singh
9. Harjinder Kaur W/O Shivraj Singh
10. Ravneet Kaur W/O Balraj Skingh
11. Harjit Singh S/O Ajaib Singh S/O Chamba Ram
12. Nirmala W/O Mohan Lal S/O Des Raj


All R/O Kalanwali, Tehsil and district Sirsa.

In above titled case, the respondents could not be served. It is ordered that respondents should appear in person or through counsel on 09-07-2018 at 10 a.m.

For details logon to https://highcourtchd.gov.in/?trs=district_notice&district=sirsa




Dated, this day of 21-05-2018


Additional District and Sessions Judge-III
Sirsa.

(Not to be published in newspaper).

Forwarded to the Manager, The Home Pages, Bhiwani for publication and necessary compliance. Copy of Publication be sent to the Court of undersigned before the next date of hearing.


Additional District and Sessions Judge-III
Sirsa .

Civil Appeal No. _____ of 2016.

1-Civil suit No. 1053.
2-Date of Institution. 24-9-2011/7-6-2012.
3-Date of decision. 20-2-2016.
4-Date of filing of appeal. 19-2-2016..
5-Value of suit for the purposes
of court fee and jurisdiction. Rs.200-00.
6-Value of appeal for the
purposes of court fee and
jurisdiction. Rs.200-00.
7-Court fee stamp affixed on
the appeal. Rs.25-00.

129-CA
19-3-16
21

Sukhjit Singh aged 50 years son of Shri Kaur Singh resident of village
Ghukanwali Tehsil Dabwali Distt.Sirsa.

...Appellant-plaintiff.

Versus

- X 1-Surenderpal singh son of Sukhdev Singh son of Lal Singh resident of
Kalanwali Tehsil and Distt.Sirsa.
- X 2-Mukhtiar Singh since deceased son of Jang Singh through his legal heirs:-
X {i} Naseeb Kaur widow
X {ii} Jagraj Singh
X {iii} Baljit Singh sons, of Mukhtiar Singh son of Jang Singh, residents of
village Ghukanwali Tehsil Dabwali Distt.Sirsa.
- X {iv} Pritpal @ Kuljit Kaur daughter of Mukhtiar Singh and wife of Jaskaran
singh son of Jamit Singh
- X {v} Veerpal Kaur alias Sukhjit Kaur daughter of Mukhtiar Singh and wife of
Gursahab Singh son of Jameet Singh, residents of village Ganga Tehsil Dabwali
Distt.Sirsa.

- 3-Iqbal Singh
- 4-Jagjit Singh,
- 5-Raghuvir Singh sons of Deputy son of Hazura Singh,
- 6-Raj Kumar son of Jagan Nath,
- 7-Gian chand son of Amar Nath son of Kishore Chand,
- 8-Charanjit Kaur wife of Harjit Singh son of Pyara Singh,
- 9-Santokh Singh son of Jangir Singh son of Phulla Singh,
- 10-Vidya Devi wife of Sohan Lal son of Balla Ram,
- 11-Durga Dass,
- 12-Hem Raj,
- 13-Raj Kumar sons of Gori Shankar son of Bansi Lal,
- 14-Usha Rani wife of Harbans Lal son of Amar Nath,
- 15-Sadhu Singh son of Balli Ram son of Jai Ram,
- 16-Kanta Devi,
- 17-Soma Devi,
- 18-Murti Devi,
- 19-Guddi daughters of Jagan Nath,
- 20-Mukesh Kumar son of Jagan Nath,
- 21-Gurcharan Singh son of Kaku Singh son of Mangal Singhj,
- 22-Harbans Singh son of Prem Singh son of Thaman Singh,
- 23-Inderjit Singh son of Harcharan Singh son of Harbhajan Singh,
- 24-Niranjan Singh son of Hardam Singh son of Amar Singh,
- 25-Darshan Singh son of Gurdev Singh son of Puran Singh,
- 26-Harjinder Kaur wife of Shivraj Singh,
- 27-Ravneet Kaur wife of Balraj Singh,
- 28-Harjit Singh son of Pyara Singh son of Laxman,
- 29-Harjit Singh son of Ajaib Singh son of Chamba Ram,
- 30-Nirmala wife of Mohan Lal son of Des Raj, residents of Kalanwali Tehsil and Distt.Sirsa.

.....Respondents-defendants.

- X 31-Gurdev Kaur widow of Kaur Singh,
X 32-Amarjit Kaur daughter of Kaur Singh,
X 33-Jang Singh son of Kaur Singh, residents of village Ghukanwali Tehsil Dabwali Distt.Sirsa.

.....Proforma-respondents.

Appeal against the judgment and decree dated 20-2-2016 passed by Shri Jitender singh, Civil Judge {Junior Division}, Dabwali, whereby he has dismissed the suit of the plaintiff-appellant against law and facts, without application of judicious mind to the facts of the case and the law on the subject.

Claim in appeal.

For acceptance of the appeal; setting aside of the judgment and decree under appeal and for decreeing the suit of the plaintiff-appellant and for passing of a preliminary decree for partition of the land in dispute.

Grounds of appeal.

Sir,

The appellant, respectfully, showeth as under:

- 1-That the judgment and decree dated 20-2-2016 passed by Shri Jitender Singh, learned Civil Judge {Junior Division}, Dabwali, are wrong, against law and facts and based upon conjectures and surmises and are the result of non application of judicious mind to the facts of the case and the law on the subject and thus the same are liable to be set aside. The certified copies of the judgment and decree, under appeal, are appended with the grounds of appeal.
- 2-That the findings of the learned Civil Judge, Dabwali, on all the issues are wrong and liable to be reversed and these issues ought to have been decided in favour of the appellant-plaintiff and against the defendants-respondents. That the view of the learned civil judge, Dabwali, on all these issues is erratic and against the law.
- 3-That the learned trial court has not given full and proper opportunity to the appellant to adduce his entire evidence and all the issues arising out of the pleadings of the parties were not struck down.

4-That the co-sharers in the suit land are numerous and from the evidence led by either of the party it does not stand established on the file that the suit land was already partitioned. The observation of the learned trial court that the plaintiff has admitted in his cross-examination that the property had already been partitioned is of no avail and not sustainable in view of the jointness of the property established from the revenue record consisting of Jamabandi and the entries in the Jamabandi do not stand rebutted from the evidence of the plaintiff. It is settled law that mere admission against the documentary evidence has no value in the eye of law and the learned trial court has been swayed by the evidence of the appellant that the property stands partitioned and the houses stand constructed on the suit land. It is worth while to mention here that the property in question is still vacant and is a plot one and no house stands constructed thereon and this fact can come to the surface by way of appointment of Local Commission.

5-That even from the earlier judgments placed on file by the defendants, it is candid clear that nobody was in specific portion of any property and on that ground the suit as well as the appeal was dismissed. The evidence led by the plaintiff-appellant clearly shows that the khata of the suit land is joint and it was never partitioned. There is not an iota of evidence on the file from which it can be inferred that the property in question was already partitioned and the suit of the plaintiff-appellant was not maintainable. The Judgment of the learned trial court is not based upon sound reasoning and appreciation of the law on the subject.

6-That the evidence led by the appellant was most cogent, convincing and reliable one and the trial court has committed an error on not relying upon the evidence led by the appellant. Moreover, it is settled law that evidence of the

witness is to be read as a whole and single line cannot be culled out to appreciate the evidence. The evidence of the respondents is not worthy of credence.

7-That the authorities cited by the plaintiff has not been mentioned in the judgment and thus there was no question of appreciation of the law on the subject. The learned trial court has not properly and legally scrutinized the evidence on the file and has passed the judgment in a very casual manner without appreciating the law and the evidence on the file and thus judgment and decree are the result of non-application of judicious mind to the facts of the case and the law on the subject. The judgment and decree rendered by the learned trial court being against the evidence on the file and the law on the subject are liable to be quashed and the suit of the plaintiff is liable to be decreed with costs.

8-That the appeal is well within the period of limitation.

9-That the appeal lies to this Hon'ble court.

10-That the appeal is filed on the requisite court fee stamp of rs.25-00.

Hence prayed that the appeal of the appellant may kindly be accepted with costs and the judgment and decree dated 20-2-2016 be set aside and the suit of the plaintiff-appellant be decreed with costs throughout, in the interest of justice.

Place:Sirsa.

Submitted by:

Dated:19-2-2016.

Sukhjit Singh son of Shri Kaur Singh
resident of village Ghukanwali Tehsil
Dabwali Distt.Sirsa.

Presented by Shri. B. S. Yadav, Adv.

Put up in Peshi on Today

Dated 19-3-16
Superintendent
Gr.-II (Judl.)

Through: Balwant Singh Yadav Adv. Sirsa.

...Appellant-plaintiff.

23/2/16