

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 7084/2019
(Arising out of impugned final judgment and order dated 31-07-2018
in RSA No. 245/2012 passed by the High Court of Himachal Pradesh at
Shimla)

BALI RAM

Petitioner(s)

VERSUS

HIRA SINGH

Respondent(s)

(With IA No. 37290/2019 - EXEMPTION FROM FILING O.T.)

Date : 09-12-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Suryanarayana Singh, Sr. Adv.
Ms. Pragati Neekhara, AOR
Mr. Sachin Ranjan, Adv.

For Respondent(s)

Mr. Rajesh Gupta, Adv.
Mr. Harpreet Singh, Adv.
Mr. Puneet Taneja, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned counsel for the parties.

The petitioner is defendant in a suit for injunction
filed by the respondent. The claim of the respondent is in
regard to Khasra No. 33/2 relating to 3 bighas and 4 biswas.
While the trial Court, dismissed the suit, the appellate
Court decreed the suit by granting an injunction against the
petitioner in regard to Khasra No. 33/2 admeasuring 3 bighas
4 biswas. The second appeal carried against the same was
dismissed by the impugned judgment.

We have heard the learned counsel for the parties.

The claim of the petitioner is based on a decree in an earlier case, that is, OS No. 39/1 of 1990 which was, in fact, filed against the State wherein the petitioner obtained declaration of title based on adverse possession. It is common case that the petitioner claims rights in respect of Khasra No. 33/1 and 28. According to the petitioner, the property admeasuring 3 bighas and 11 biswas belonged to the petitioner.

We have noticed the terms of the decree passed by the first appellate court as confirmed by the High Court which relates to Khasra No. 33/2. Learned counsel for the respondent submits that the respondent is not claiming any right in respect of Khasra No. 33/1 and Khasra No. 28. In the light of the said facts and also taking note of the submissions of the learned counsel for the respondent, we see no reason to interfere with the impugned judgment.

It is not in dispute Khasra No. 33/2 has been given a new Khasra number as noted by the first appellate Court.

The special leave petition will stand dismissed.

Pending application stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER