

**IN THE COURT OF SARIKA, CIVIL JUDGE (JUNIOR
DIVISION)-SUB DIVISION, SAFIDON
(UID No.HR0558)**

Civil Suit No. 256 of 2022
Date of Institution: 19.10.2022
CNR No.HRJNB1000747-2022
CIS No. CS/550/2022
Date of Decision: 11.02.2023

Ramesh Kumar age 53 year son of Hukam Chand son Hari Ram resident
of Vill, Dhatrath Tehsil Safidon Distt. Jind now residence of near Rajiv
Chowk Safido Tehsil Safidon Distt. Jind

.....Plaintiff

Versus

1.Suresh 2. Dalbir Ss/ o Satnarain S/ o Hari Ram Rs/ o Village Dhatrath
Tehsil Safidon Distt. Jind

.....Defendants

SUIT FOR DECLARATION

Present: Shri Ranjit Vashistha, Advocate for plaintiff.
Shri Neeraj Malik, Advocate for defendants.

AWARD:

The plaintiff has filed the present suit for declaration to the
effect that the plaintiff is owner in possession of land in place of
defendants share are following:- (i) 77/1658 share out of total measuring
41 Kanal (ii) 96721/12340494 share out of total measuring 41 Kanal 7
Marlas comprised in Khewat No. 445 Khata No. 530 in place of defendant
no.2. situated in the revenue estate of Village Dhatrath Tehsil Safidon

Sarika, CJ (JD),
Safidon, 11.02.2023

Distt. Jind vide Jamabandi for the year of 2019-20 & mutation No. 5173, 5943, 6097 and is also entitled to get it mutated in his name in revenue record in place of defendants.

2. Brief facts of the case of plaintiff that the plaintiff is cousin brother of defendants and thus the parties are related to each other being member of one family. The suit land as detailed and described in the head note of the plaint was previously owned and possessed by the defendants as per jamabandi for 2019-20 & mutation No. 5173, 5943, 6097. It is further submitted by the plaintiff that there was a dispute in between the parties regarding his moveable & immoveable property including the suit land and thus for settling the said dispute a family settlement was taken place in between the parties about one years ago and according to the said family settlement the suit land as fell into the share of the plaintiff and the defendants also relinquished all his ownership and possessor rights in favour of plaintiff and the defendants himself admitted that the plaintiff is owner in possession of the suit land and defendants has no right, title and interests therein and thus the plaintiff is coming owner in possession of the suit property. At the time of said family settlement it was also agreed that the ownership of the suit property shall have to be corrected in the revenue record in favour of plaintiff. It is further submitted by the plaintiff that the family settlement was one oral one and thus it could not be incorporated in the revenue record and now the defendants are threatening to avoid the said family settlement and is threatening to alienate and

transfer the suit land in favour of some other and is threatening to dispossess the plaintiff from the suit land forcibly & illegally for which they have no right, title and interest therein and in case they succeeds in doing so then the plaintiff is bound to suffer a great loss and special injury which can't be compensated by any costs. Plaintiff has requested the defendants many a time to admit the claim and ownership of the suit land and to desist from their illegal and unlawful act but they refused to do so. Hence this suit.

3. On the other hand, the defendants appeared and filed their admitted written statement. Separate statements of parties (plaintiff and defendants) to the suit were recorded and compromise deed Ex.C1 has also been placed on record and the parties to the suit are not at issue on any question of law or fact. Statement of Rammehar Numberdar has also been recorded on dated 09.11.2022. They (plaintiff and defendants) have also filed their copies of Aadhar Card.

4. Heard. File perused. In view of admitted written statement of the defendants, statements of the parties to the suit as well as compromise deed Ex.C1 placed on record and in view of observations made by the Hon'ble Apex Court in case law titled as **“Bachan Singh Versus Kartar Singh 2002 (1) PLR 59”**, the award is hereby passed and claim of the plaintiff is allowed as prayed for subject to all encumbrances. The award shall be binding between the parties to the suit. The plaint shall

be treated as part and parcel of the award. File be consigned to the record room after due compliance.

Pronounced in National Lok Adalat
Dated 11.02.2023

(Sarika)
Presiding Officer
National Lok Adalat.
CJ(JD), Safidon
UID No. HR 0558

Shri B.S.Bairagi, Advocate
Member, National Lok Adalat, Safidon

{Ravindra, Stenographer Gr.III}

Sarika, CJ (JD),
Safidon, 11.02.2023