

itioner, it is categorically recorded that the appellant was not in actual cultivating possession of the land in question. In his order, he has recorded thus :

"After considering the matter in detail, I have reached to the conclusion that the petitioner is not in actual cultivating possession of the land in question. The order passed by the two different officers below in the year 1989 and thereafter in the year 1994 and the statements of respectable members of the village including Panchayat amply prove this fact."

The Tehsildar, in Annexure-P/2, has stated that the appellant was not in possession of the land in question on the spot and he was also not residing in the village. There is nothing on record to show that the appellant was in cultivating possession of the land in question, as claimed by him. Since
..4/-

4.
The authorities, on the basis of evidence, reached the conclusion that the appellant was not in actual cultivating possession of the land on the relevant date, the High Court was right in dismissing the writ petition. Having regard to the specific requirement contained in the policy (Annexure-P/5), we do not find any good ground to interfere with the impugned order. Thus, finding no merit in this appeal, it is dismissed. No costs.

.....J.
[SHIVARAJ V. PATIL]

New Delhi,J.
April 6, 2004. [D.M. DHARMADHIKARI]
ITEM No. 105 Court No. 8 SECTION IV

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

Civil Appeal No. 2051/1999

SHER SINGH ... APPELLANT
VERSUS

TEHSILDAR (SALES) KARNAL AND ORS. ... RESPONDENTS
(With office report)

Date : 06/04/2004 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Manoj Swarup, Adv.
Mr. Somiran Sharma, Adv.
Mr. Vivek Nayaran, Adv.

For Respondent (s)Mr. Neeraj Kumar Jain, Adv.
State Mr. Bharat Singh, Adv.
Mr. Sanjay Singh, Adv.
Mr. Aditya Kr. Choudhary, Adv.
for Ms. Kavita Wadia, Adv.

No.4Mr. Jasbir Malik, Adv.
for Mr. S.K. Sabharwal, Adv.

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

Mr. Manoj Swarup, learned counsel for the appellant made his submissions from 11.45 a.m. till 12.20 p.m. Learned counsel for the respondents made their submissions in reply for few minutes.
The appeal is dismissed with no costs in terms of the sign order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)