

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

## RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).31072/2009

(From the judgement and order dated 18/09/2009 in RSA No. 70/2000 of The HIGH COURT OF H.P. AT SHIMLA)

Narain Dass Petitioner(s)

VERSUS

Jindi Devi and others Respondent(s)

(With prayer for interim relief)

Date: 04/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Varun Thakur, Adv.  
Mr. Varinder Kumar Sharma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Learned counsel for the petitioner has circulated a letter for adjournment with the request for grant of four weeks' time by stating that there is likelihood of family settlement.

In the first round, we indicated to the learned counsel that mere circulation of letter is not a surety for adjournment and passed over the case. In the second round, a repeat request was made for adjournment. We do not find any valid ground to accept the request. Hence, the request is rejected.

The suit for declaration and consequential relief filed by the petitioner was dismissed by the trial Court with the finding that the property in dispute is the self-acquired property of defendant No.2 who is now represented by his L.Rs. The trial Court further held that the plaintiff has failed to prove his plea of ownership of the land in dispute. The said finding has been confirmed by the lower appellate Court after an

independent and threadbare evaluation of the evidence.

Therefore, the High Court did not commit any error by dismissing the second appeal.

Special Leave Petition is dismissed.

(Kavita Arora)  
SR. P.A.

(Kusum Gulati)  
COURT MASTER