

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 287/2010

RAM BISHAL (D) THR. LRS & ORS.

APPELLANT(S)

VERSUS

DY.DIR. OF CONSOLIDATION, U.P. & ORS.

RESPONDENT(S)

ORDER

The instant appeal is directed against the judgment and order of the High Court dated 03.10.2007 finally upholding/confirming the order of the Consolidation Officer dated 10.05.1979.

The proceedings under Section 9-(A) of the U.P. Consolidation of Holdings Act, 1953 was initiated in respect of the adjudication of dispute of title between the parties in reference to land comprising Khata No. 207. After adjudication and taking into consideration the material which was placed on record by the litigating parties, the Consolidation Officer, in the first instance, after appraisal of the

record decided the *inter se* dispute by order dated 10.05.1979 and finally observed as under:

“From this material the conclusion is that Plot Nos. 11, 15, 12, 4, 6, 7, 60, 8, 9 and 10 of the disputed land are ancestral from the time of Naim and therefore the opposite party-objectors are co-tenants in these plots and the case of applicants/plaintiffs that these persons have no concern with disputed land seems to be wrong. Ram Avtar has himself admitted the opposite party-objectors are from his joint family but looking to the fact that only Plot Nos.11, 15, 12, 4, 6, 7, 80, 89 and 90 prove to be ancestral rest of the plots in this Khata are proved to be self-acquired, of the applicants. From the pedigree of the applicant-plaintiffs in the above-noted plots opposite parties have 2/3rd share for Sumera, 1/3rd Parsan, 1/6th Budhu, Ram Bishal, Nanku each in the rest No., 123 Lusru and Laisi 1/6th each in the rest Lasru 1/2 and Leesi 1/2. All the issues are decided in this way.

The objection of Lusru and others is partially accepted. In Khata No.207 in Plot Nos. 11, 15, 12, 4, 6, 7, 80, 8, 9 and 10 they shall remain recorded co-sharers as before.

Each one Sumera 1/3, Budhu, Ram Bisal, Nanku 1/16, Parson 1/6, Nusru and Laisee 1/6 each. From the rest of the ‘Kheta’ Plot Nos., names of Sumera, Budhu, Ram Bishal, Nanku, Darsan shall be deleted. Partition of Nusru 1/2 and Laisee 1/2 is also done.

Thereafter the file may be consigned.”

The matter travelled before the Settlement Officer/Deputy Director Consolidation, but finally the High Court on dismissal of the Writ Petition preferred by the inter se parties under its judgment dated 03.10.2007 restored the order of the Consolidation Officer dated 10.05.1979.

We have heard the learned Counsel for the parties for quite some time and unable to find any reason to disturb the finding of fact recorded by the Consolidation Officer in its order dated 10.05.1979 which may call for our interference.

Consequently, the appeal fails and is dismissed.

Pending application(s), if any, shall stand disposed of.

.....**J.**
(AJAY RASTOGI)

.....**J.**
(ABHAY S. OKA)

NEW DELHI
DECEMBER 15, 2021

ITEM NO.101

COURT NO.14

SECTION III-A

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

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Date : 15-12-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s)

Mr. S R Singh, Sr. Adv.
Mr. Vishwa Pal Singh, Adv.
Mr. Prateek Yadav, Adv.
Mr. P. Yadav, Adv.
Mr. Kuldeep Yadav, Adv.
Mr Ronak Karanpuria, AOR
Mr Sumit Sharma, Adv.
Mr Gobind Kumar, Adv.
Mr. Arihant Mehta, Adv.
Dr. Amardeep Gaur, Adv.

Mr. S. R. Singh, Sr. Adv.
Mr. Raman Yadav, Adv.
Mr. V. N. Raghupathy, AOR
Mr. Syed Mehdi Imam, AOR

For Respondent(s)

Mr. Neeraj Kr. Jain, Sr. Adv.
Mr. T. N. Singh, AOR
Mr. Vikas Kr. Singh, Adv.
Ms. Rajshree Singh, Adv.
Mr. Sham Chand Tanwar, Adv.

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

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed order is placed on the file.)