

Grounds of appeal:

1. That the order dated 05/08/2009, passed by the court of Sh. Birpal Singh S.D.M., Nawanshahar is against the law and facts of the file. Copy of the order dated 05/08/2009 is attached herewith.
2. That the order under appeal is based on surmises and conjectures and the same is no order in the eyes of law and is liable to be set aside.
3. That the Ld. lower court totally ignored the facts, which was brought on record by the appellant before the Ld. lower court and Ld. lower court further ignored the evidence brought on record by the appellant, the reason for the same is known to them.
4. That the brief facts of the case are that, the land in question has already sold by the father of the respondent No. 1 to 3 and 7 to appellant during his life time. But the mutation in respect of the land involved in this mutation could not be got sanctioned/entered and ~~sanctioned~~ attested in the names of vendees i.e. appellant. There after Malkiat Singh died and he was succeeded by his legal heirs, who now selling the again, which Malkiat Singh had already sold. The appellant filed the civil suit for declaration in his favour and the civil Judge, Senior Division, Nawanshahr has passed order dated 16/09/2008 directing Joga Singh etc. not to alienate the land and not to dispossess Natha Singh i.e. appellant till 25/09/2008. It is further stated that Joga Singh etc. are not the owners of the land and they have got no right to sell it, therefore mutation be not sanctioned.
4. That it is further stated that Civil court already seized of the matter and that the Civil Judge, Senior Division, Nawanshahr had passed order dated 16/09/2008 staying alienation of the land in question and also staying dispossession of Natha Singh i.e. appellant, the proceedings on this mutation ought to be adjourned sine die till final decision of the civil suit. It is further submitted

that since Malkiat Singh, father of the vendors i.e. respondent

No. 1 to 3 and 7 had sold his entire land during his life time.

Joga Singh Etc. vendors /respondents No. 1 to 3 and 7 were stepped

into the shoes of Malkiat Singh were not the owners of the disputed

land and they were not legally with their rights to sell it and

more over, the alienation of this land had been stayed by the civil

Judge, Senior Division, Nawanshahr.

5. That in this manner the Ld. lower court wrongly relied upon

evidence brought on record by the respondents.

6. That the Ld. lower court passed the order under appeal

hurriedly without going through the facts of the file.

7. That it is well settled law, that revenue courts cannot

interfere in the proceedings of civil court nor the revenue courts

interpret the orders of Civil court.

8. That the appeal is well with in time .

9. It is therefore prayed that, under the circumstances stated

above, it is prayed that the order appeal is against the law and

facts of the file and the same is liable to be setaside, in the interest

of justice.

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15/4/2011

रक्षा सिंह

Submitted by:-

Rumal Ar

Appellant (Natha Singh)

Th: Sh. K.D. Ummat Advocate

District Courts, Nawanshahr