



RSA-2571-1997 (O&M) and connected cases

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

-.-

**Reserved on:-26.08.2025
Date of Decision : 04.09.2025**

1. RSA-2571-1997 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Dalip Singh and Others Respondents

2. RSA-2572-1997 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Dalip Singh and Others Respondents

3. RSA-2573-1995 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Sadhu Singh Respondents

4. RSA-2573-1997 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Dalip Singh and Others Respondents

5. RSA-2574-1995 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Sadhu Singh Respondents



RSA-2571-1997 (O&M) and connected cases

-2-

6. RSA-2574-1997 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Dalip Singh and Others Respondents

7. RSA-2575-1995 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Balbir Singh Respondent

8. RSA-2576-1995 (O&M)

Mukhtiar Kaur Appellant

VERSUS

Balbir Singh Respondent

9. RSA-3116-1997 (O&M)

Dalip Singh and Another Appellants

VERSUS

Mukhtiar Kaur and Others Respondents

10. RSA-3118-1997 (O&M)

Dalip Singh and Another Appellants

VERSUS

Mukhtiar Kaur and Others Respondents

11. RSA-3194-1997 (O&M)

Dalip Singh and Others Appellants

VERSUS

Mukhtiar Kaur and Others Respondents



RSA-2571-1997 (O&M) and connected cases

-3-

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Avnish Mittal, Advocate and
Ms. Aparna Singhal, Advocate
For the appellants in RSA Nos-2571-1997, 2572-1997,
2573-1995, 2573-1997, 2574-1995, 2574-1997 and
For respondent No.1 in RSA Nos-3116-1997, 3118-1997 and
3194-1997.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate for the appellants
In RSA Nos-3116-1997, 3118-1997 and
3194-1997.

-.-

MANDEEP PANNU,J.

1. The batch of above-numbered Regular Second Appeals has been filed by both sides. **Plaintiffs-Dalip Singh and Bhag Singh** have filed three Regular Second Appeals bearing Nos. **3116-1997, 3118-1997, 3194-1997** against the concurrent findings of both the Courts below insofar as they upheld the validity of the Wills and the consent decree of 1979, while the defendants-**Mukhtiar Kaur** and Others have filed eight Regular Second Appeals bearing Nos. **RSA-2571-1997, 2572-1997, 2573-1995, 2573-1997, 2574-1995, 2574-1997, 2575-1995, 2576-1995**, challenging the declaration of the property as ancestral to the extent recorded by the learned trial Court and affirmed by the learned First Appellate Court. As all sets of appeals arise out of common judgments and decrees of the learned trial Court and learned First Appellate Court, and the property involved is the same, they are being disposed of by this common judgment of mine.

Brief Facts

2. Dalip Singh and Bhag Singh, sons of Bakhtawar Singh, instituted suit seeking declaration that the land measuring 10 bighas 12 biswas, 0-1 biswa and 15 bighas 13 biswas, situated in village Langrian, was ancestral coparcenary property

**RSA-2571-1997 (O&M) and connected cases**

-4-

in the hands of their father, Bakhtawar Singh, and as such they had acquired rights therein by birth as his sons and coparceners. They further prayed that Wills dated 5.6.1974 executed by Bakhtawar Singh and by his wife Bhagwan Kaur in favour of their daughter Mukhtiar Kaur were invalid, and that the consent decree dated 27.1.1979 suffered by Bakhtawar Singh and Bhagwan Kaur in favour of Mukhtiar Kaur was ineffective and not binding upon them as coparceners.

3. Mukhtiar Kaur, the contesting defendant, resisted the claim by asserting that the land measuring 15 bighas 13 biswas had been purchased by her mother Bhagwan Kaur under sale deed Ex.D1 dated 13.6.1955 and was her self-acquired property, in which the plaintiffs could claim no coparcenary rights. She further relied upon the registered Wills of 5.6.1974 and the subsequent consent decree of 1979 as validly conferring exclusive rights upon her.

4. Mukhtiar Kaur, defendant, also filed suit no.744 against Dalip Singh and others for permanent injunction restraining the defendants from interfering in possession of the plaintiffs over the suit land, fully described in heading of the plaint on the grounds that land measuring 15 bighas 13 biswas was owned by Smt.Bhagwan Kaur, mother of the plaintiff, while Bakhatawar Singh, her father owned 10 bighas 12 biswas of land and same was given to the plaintiff in a family settlement. The plaintiff-Mukhtiar Kaur filed suit on basis of family settlement in which Bhagwan Kaur and Bakhtawar Singh appeared and filed written statement admitting her claim. The suit was decreed and on the basis of decree, mutations no.1064 and 1065 were sanctioned in favour of plaintiff and since then plaintiff is in possession of the land in dispute as owner. However, defendants without any right or title threatened to dispossess her, hence the suit.

**RSA-2571-1997 (O&M) and connected cases****-5-**

5. Defendants in the written statement denied the allegations of the plaintiff and inter alia pleaded that plaintiff never remained in possession of the land in dispute, rather it was after the death Bakhatawar Singh that defendants No.1 & 2 were in possession of the land in dispute. It was further claimed that the land in dispute was coparcenary property of the joint Hindu family consisting of Bakhatawar Singh and his sons Dalip Singh, Bhag Singh and defendants were co-sharers in it and as such Bakhatawar Singh had no right to transfer the same in family settlement. It was further alleged that infact no family settlement took place and the decree is null and void as regards the rights of the plaintiff. It was further alleged that the defendants had already filed suit challenging the decree and mutations and as such this suit was liable to be stayed.

6. From the pleadings of the parties, the learned trial Court framed the following issues:-

- 1) Whether the land in suit is ancestral coparcenary property of the plaintiffs and defendants No.2 and 3? OPP
- 2) Whether the judgment and decree dated 27.01.1979 are wrong, illegal and inoperative? OPP
- 3) Whether the suit is not maintainable in the present form? OPD
- 4) Whether the suit is within limitation? OPP
- 5) Whether the defendant No.1 has become owner of the suit land by adverse possession? OPD-1.
- 6) Whether Bakhatawar Singh executed a valid registered Will dated 05.06.74 in favour of Mukhitar Kaur defendant No.1? OPD-1
- 7) Whether Bhagwan Kaur executed valid registered Will dated 05.06.74 in favour of defendant No.1? OPD-1.

**RSA-2571-1997 (O&M) and connected cases****-6-**

- 8) Whether the plaintiffs have no cause of action to file the present suit? OPD
- 9) Whether the plaintiffs are stopped from filing the suit by their own acts and conduct? OPD
- 10) Whether the suit is bad for non-joinder of necessary parties? OPD
- 11) Whether suit regarding land measuring 15 bighas 3 biswas mentioned in para No.6 of the additional objections in the written statement is hit by the Benami Transactions (Prohibition) Act, 1988? OPD-1
- 12) Relief.

7. The parties have led their evidence.

Findings of the Trial Court

8. In the 1st paragraph of the judgment of learned trial Court, it has been mentioned that the judgment will dispose of two suits, above said, because Suit No.744 of 29.10.92 (filed by Mukhtiar Kaur) was consolidated with Suit No.391 of 18.08.89 (filed by Dalip Singh and Bhag Singh) vide separate order dated 21.3.94. As such, copy of this judgment and decree be also placed on the records of the case file, pertaining to suit No.744 of 29.10.92 (filed by Mukhtiar Kaur) and this judgment and decree be treated as part of said suit.

9. The learned trial Court after hearing the parties and appreciating the evidence led by both the parties came to the conclusion that the land measuring 10 bighas 12 biswas and 0–1 biswa was ancestral coparcenary property in the hands of Bakhtawar Singh, having been inherited by him from his father Dula Singh, who had died prior to the coming into force of the Hindu Succession Act, 1956. The

**RSA-2571-1997 (O&M) and connected cases****-7-**

Court held that the suit land measuring 10 bighas, 12 biswas alongwith 0-5 biswa is the ancestral coparcenary property in the hands of Bakhtawar Singh, since the females cannot be coparceners of the coparcenary property and as such, defendants No.2 and 3 have got no right in the ancestral coparcenary property measuring 10 bighas 12 biswas being 1/10th share of land measuring 105 bighas 16 biswas alongwith 0-5 biswas, Since Bakhtawar Singh being Karta and coparcener alongwith the present plaintiffs, his sons, had got 1/3rd share in the ancestral coparcenary property, which was inherited by him from his father Dulla Singh had got right to deal with his share and interest by way of transfer or by way of testamentary disposition as per the provisions of Section 30 of Hindu Succession Act, so defendant No.1 has become owner to the extent of his 1/3rd share in the ancestral coparcenary property by virtue of testamentary disposition by way of registered Will dated 05.06.1974 and the remaining 2/3rd share in 10 bighas 12 biswas of land, which is 1/10 share of 105 bighas 16 biswas still remains with the present plaintiffs in equal shares and the Will dated 05.06.1974 cannot be said to be binding or operative qua the 2/3rd share of the plaintiffs in the ancestral coparcenary property. So far as the suit land measuring 15 bighas 13 biswas is concerned, the same was neither ancestral coparcenary property nor inherited by Bakhtawar Singh from Dulla Singh nor the present plaintiffs can be said to have any right in the same.

10. It was further held by the learned trial Court that land measuring 15 bighas 13 biswas was the property of Bhagwan Kaur of which she was the absolute owner with possession to make disposition in the way, she liked and she has rightly executed a valid Will dated 05.06.1974 in favour of defendant No.1 has become exclusive owner in possession of the suit land measuring 15 bighas 13

**RSA-2571-1997 (O&M) and connected cases****-8-**

biswas out of the suit property, with which the present plaintiffs have got no right, concern or interest in any manner, whatsoever. Similarly, by virtue of the registered Will dated 05.06.1974 executed by Bakhtawar Singh in favour of defendant No.1 is also valid and legal to the extent of his coparcenary interest to the tune of his $\frac{1}{3}^{\text{rd}}$ share in the ancestral coparcenary property and the present plaintiffs are owners in joint possession with defendant No.1 to the extent of their $\frac{2}{3}^{\text{rd}}$ share in the coparcenary property, except $\frac{1}{3}^{\text{rd}}$ share of Bakhtawar Singh, of which defendant No.1 has become owner in joint possession with the plaintiffs along with $\frac{1}{3}^{\text{rd}}$ share in 0-5 (0-1) biswas and 10 bighas 12 biswas. With the said observations, the suit of the plaintiffs was partly decreed.

Findings of the First Appellate Court

11. The learned First Appellate Court, in para No.1 of its judgment mentioned that the judgment will dispose of above-mentioned four appeals i.e. C.A No.75/365, dated 08.08.94-96; C.A No.74/366 dated 08.08.94-96; C.A No.78/413, dated 19.08.94-96 and C.A 79/369 dated 22.8.94-96. All the appeals are directed against the judgment and decree dated 15.6.1994 of Sub Judge, 11 Class, Malerkotla.

12. The learned First Appellate Court, upon independent appraisal of evidence, affirmed the findings of the learned trial Court with respect to the ancestral nature of 10 bighas 12 biswas and 0–1 biswa, and also with regard to the self-acquired character of 15 bighas 13 biswas in the hands of Bhagwan Kaur. It also upheld the Wills as having been duly proved, and the consent decree of 1979 as a valid document of title. Learned First Appellate Court held that appeal of Mukhtiar Kaur, defendant, succeeds and the judgment and decree of the trial Court is set aside to the extent that plaintiffs are owners of $\frac{1}{2}$ share instead of $\frac{2}{3}$ share in

**RSA-2571-1997 (O&M) and connected cases****-9-**

the land measuring 10 bighas 12 biswas i.e. $1/10^{\text{th}}$ share of 105 bighas 16 biswas and in 1 biswas i.e. $1/5^{\text{th}}$ share of five biswas of land. The suit of the plaintiffs regarding the remaining land is dismissed because Mukhtiar Kaur has become owner of the same. The suit of Mukhtiar Kaur for permanent injunction has also been rightly dismissed because she is co-sharer in the land in dispute and no injunction can be granted against Dalip Singh and Bhag Singh, who are also co-sharers. Thus, the remaining three appeals are without any merit and are dismissed.

13. Against the said concurrent findings, 11 Regular Second Appeals have been instituted before this Court, 8 by Mukhtiar Kaur being RSA Nos. **RSA-2571-1997, 2572-1997, 2573-1995, 2573-1997, 2574-1995, 2574-1997, 2575-1995, 2576-1995**, and 3 by Dalip Singh being RSA Nos. **3116-1997, 3118-1997, 3194-1997**.

Submissions of learned counsel for the parties

14. On behalf of the plaintiffs, it has been contended that the plaintiffs had proved on record the excerpts as Ex.P1. The excerpts were prepared on the basis of an application dated 08.01.1992 moved by the plaintiffs before the learned trial Court. After the said application was allowed, the learned trial Court got the excerpts prepared. The production of said excerpts was never objected to by the defendants. Hence, the excerpts are required to be read in evidence.

15. Further, it has been contended that the plaintiffs had placed on record the jamabandies for the relevant period so as to prove the nature of property. Hence, even if the excerpts are ignored, the Jamabandies can be considered for the purpose of determining the nature of property.

16. Furthermore, DW-1 Bhagwan Kaur (widow of Bakhtaur Singh), had admitted the nature of property as ancestral in her cross-examination. The said fact

**RSA-2571-1997 (O&M) and connected cases****-10-**

was also admitted by Satnam Singh (husband of Mukhtiar-defendant no.1) in his cross-examination. Further Jaswant Kaur daughter of Bakhtaur Singh has also admitted the factum of property being ancestral in nature.

17. It is further contended that the courts below erred in holding that the Wills were proved, for under Section 68 of the Indian Evidence Act, 1872 a Will must be proved by the evidence of at least one attesting witness, and in the present case though Gurnam Singh, one of the attesting witnesses, was examined, but he turned hostile and did not support the due execution of the Wills. The deed writer and the Sub-Registrar are not attesting witnesses, and, therefore, their testimony cannot substitute the statutory requirement.

18. It was further urged that the consent decree of 1979 could not bind coparcenary property, and being unregistered, could not operate as a document of transfer of immovable property. Learned counsel further stressed that since Dulla Singh, the father of Bakhtawar Singh, had died prior to 1956, the property inherited by Bakhtawar Singh was ancestral in his hands qua his sons under the ***Mitakshara law then in force, as laid down in Arshnoor Singh v. Harpal Kaur (2020) 14 SCC 436***. The excerpt Ex.P1 and the mutations were relied upon to substantiate the ancestral character of the suit property.

19. Conversely, learned counsel for the defendants argued that the land of 15 bighas 13 biswas was purchased exclusively by Bhagwan Kaur, and no evidence had been led to show that it was purchased from joint family funds. It has been held by the both the Courts concurrently that suit property 15 Bigha 13 biswas, was never an ancestral property as the same was in the name of Bhagwan Kaur.

**RSA-2571-1997 (O&M) and connected cases**

-11-

20. They contended that the Wills stood proved through corroborative evidence of the deed writer, the Sub-Registrar and the handwriting expert, and that admissions made by Bakhtawar Singh and Bhagwan Kaur in the earlier suit culminating in the consent decree amounted to proof of the same.

21. They further argued that Bakhtawar Singh and Bhagwan Kaur suffered a consent decree dated 27.01.1979 in favour of Mukhtiar Kaur. The property of consent decree which was transferred to Mukhtiar Kaur was self acquired property of Bakhtawar Singh and Bhagwan Kaur. Bhagwan Kaur owned 15 Bigha 13 Biswas vide Ex.D1-Sale deed dated 13.06.1955 which she purchased from Pritam Singh and has right to relinquish the same in favour of Mukhtair Kaur. Similarly, Bakhtawar Singh's property was also self-acquired property to which he had every right to transfer. Furthermore, a perusal of statement of Bakhtawar Singh Ex.D3 and Bhagwan Kaur Ex.D2 shows that the consent decree was executed by their free Will. The plaintiffs/respondents challenge the aforementioned decree, after a period of ten years, which is barred by the statute of limitations. Even otherwise, none of the executor challenged the same during their lifetime. However, once the property is established as non-ancesatral, the plaintiff is not entitled to claim any share therein. Thus, both Bhagwan Kaur and Bakhtawar Singh were able to legally transfer their land to Mukhtiar Kaur and consent decree executed by Bakhtawar Singh and Bhagwan Kaur in favour of Mukhtiar Kaur is legal and binding on all the parties.

22. Learned counsel for the defendants further contended that regarding the remaining property measuring 10 Bighas 12 biswas and 0-1 biswa, both the learned lower Courts held that this is the ancesatral property, however, there is no evidence on record to prove ancestral nature of property. Furthermore, the excerpt



presented as evidence was not properly proven in accordance with law. Thus, in the absence of any such evidence regarding the ancesatral proof of the property, the plaintiff cannot claim any right in the same.

Findings of this Court and Conclusion

23. Having considered the rival contentions, the record of the case, and the concurrent findings of the courts below with slight modification in the share of parties in the judgment of learned Lower Appellate Court, this Court is of the opinion that the real controversy turns upon the nature of the suit property, namely, whether the same was ancestral in the hands of Bakhtawar Singh. The plaintiffs rested their entire claim on the strength of the excerpt tendered in evidence as Ex.P1. Both the learned trial Court and learned Lower Appellate Court proceeded on the assumption that the excerpt was sufficient to prove ancestral nature of suit property. However, such approach cannot be sustained in law.

24. It is true that as noticed by the learned Lower Appellate Court, an application had been moved for preparation of the excerpt before the learned Sub Judge, Malerkotla, who directed the Patwari Moharrir to prepare the same. Yet, this only demonstrates that the excerpt was drawn up on judicial direction; it does not elevate the document to the status of proved evidence. There is a material distinction between the preparation of an excerpt and the proof of an excerpt. Proof requires the author or competent revenue official to step into the witness box and depose that the excerpt has been prepared by comparison with the original revenue record. Unless such evidence is led, the excerpt remains no more than a piece of paper on the file.

25. Reliance has been placed upon *Sarabjit Kaur versus Tarlochan Singh 2018 1 RCR Civil 844*, wherein Co-ordinate Bench of this court has held



that unless and until excerpts are proved, these are not to be treated as evidence. It is further observed in this judgement as follows:-

“22. It is further important to note that High Court Rules and orders, under Volume 1, Chapter 9, Rule 5(v) and (vi), prescribed the procedure for proving the excerpt, the same are reproduced as under:

" (v) Excerpt should be a true copy and should be proved-Court must remember that unless proved, the excerpt of the Special Kanungo or Patwari Muharrir is not evidence and must not be treated as such. The Special Kanungo or Patwari Muharrir must, when he goes to Court always bring with him the original records from which his excerpt has been complied, so that it may be available for comparison. He must always be put on oath and be asked to say whether the excerpt is a true copy of a portion of the original records. The excerpt must be a correct copy of such portions of the records as are relevant and not merely a summary or paraphrase.

(vi) Comparison with original-The Court should, as a rule, compare, with the original records some of the entries in the abstract and initial and date those thus compare."

26. In ***Sarabjit Kaur's case (supra)*** further reliance has been placed upon ***Banta Singh and others versus Phuman Singh and another, 1972 PLJ 275,*** wherein it has been held as under:-

"11 The revenue excerpt is no part of the record of rights and does not carry any presumption of correctness. It has to be formally proved by examination in the witness box of the person who has prepared it on the basis of the entries in the various settlement records and



jamabandis. It is an extract or synopsis of entries collected from diverse places and its value depends on how truly it has reproduced the original entries. If there is any doubt depends on how truly it has reproduced the original entries. If there is any doubt about a particular entry in the excerpt, it will always be open to the Courts to have it removed by reference to the original records on the basis of which the excerpt was prepared."

27. Further, a Co-ordinate Bench in the case of **Sarabjit Kaur's case** (*supra*) has placed reliance on **Gurmail Singh versus Rajbir Singh and another, 2014 4 RCR Civil 397**, wherein it has been held that:-

" 16. In any case, the burden was upon the plaintiff to prove the nature of the property in dispute, but he has failed to prove by producing cogent evidence and the excerpts (Ex.P1) relied upon by the plaintiff is inconsequential because the person, who had prepared the excerpt, while appearing as PW1 has categorically stated in his cross-examination that he has not brought the original record from which he has prepared this excerpt nor this record is with him and he was unable to say anything about the property being ancestral or nonancestral."

28. It is now well-settled that preparation of an excerpt of revenue records is not mandatory to establish the ancestral or coparcenary nature of the property; such character can alternatively be demonstrated through Jamabandis and mutation entries. This principle finds authoritative support in case of **Kuldeep Singh & Ors. v. Om Pal & Ors.** RSA No.3565 of 2005 and **connected matter** decided on

30.11.2018 by a co-ordinate Bench of this Court, wherein the court held that



“ Before recording that the property is co-parcenary, it is necessary for the party which alleges the property to be co-parcenary, proves that a co-parcenary existed and is continuing till filing of the suit. For establishing co-parcenary property, it is necessary that the old and new khasra numbers (pre and post consolidation of holdings) are properly connected and identification of the land has been established beyond doubt. It is for this reason, provision has been made in the High Court Rules and Orders for appointing a revenue official and get an excerpt of the revenue record prepared. No doubt, the production of the excerpt is not necessary but in absence of excerpt and examination of the revenue official, the party must produce on file sufficient record allowing the Court to compare the records so as to identify the land which has claimed to be coparcenary property.”

29. **Legal Position is thus summarised as below :-**

1. Excerpt is only a consolidated extract of entries already existing in the revenue record, prepared for the convenience of the Court. It is only a summary document.
2. Preparation of excerpt is not mandatory. Law requires proof of entries of jamabandi and mutation and not necessarily an excerpt.
3. Jamabandi and mutation records themselves are admissible evidence. Certified copies of jamabandis under Section 35 Evidence Act, 1872, are admissible to show title and nature of holding. Mutation entries, though not by themselves proof of title, can



corroborate jamabandi entries to show devolution of property from ancestors.

4. Where original revenue record or certified copies of jamabandis and mutations are duly exhibited, the absence of an excerpt does not make the evidence defective. What matters is that the underlying revenue records are proved by revenue expert to establish the chain of succession and continuity of ancestral property.

5 However, where excerpts are relied upon to prove the ancestral nature of the property, the procedure prescribed in Volume I, Chapter 9, Rule 5(v) & (vi) of the High Court Rules and Orders to **prepare** and **prove** it, must be strictly followed.

30. In the present case, although jamabandies and mutations have been tendered in evidence are admissible but in order to prove the ancestral nature of property, the plaintiffs relied upon excerpt Ex.P1 and certified copies of jamabandies and mutation which is not sufficient. To satisfactorily establish the chain of succession and continuity of ancestral property, it is essential that either an excerpt be prepared and proved as per High Court Rules and Orders or that the underlying Jamabandis and mutations be properly proved through the testimony of a revenue official, such as a Patwari or Tehsildar, who can authoritatively link the property from one generation to the next. In the absence of such examination, the court cannot confidently connect the dots from earlier to existing holdings. Without such evidence, the ancestral nature cannot be inferred merely from production of the documents.

31. Keeping in view law laid down above and keeping in view the facts and circumstances of the present case where no proper procedure has been

**RSA-2571-1997 (O&M) and connected cases****-17-**

followed to prove the excerpt as no revenue official was examined, and no foundational record was proved, this Court is of considered opinion that both the trial Court and the Lower Appellate Court fell into patent error in treating the excerpt as conclusive proof of the ancestral nature of the property. Their findings to that effect are accordingly set aside.

32. Once the plaintiffs have failed to establish the ancestral character of the property, their challenge to the consent decree dated 27.01.1979 must necessarily fail. The decree Ex.DW3/D was jointly suffered by Bakhtawar Singh and his wife Bhagwan Kaur in favour of their daughter Mukhtiar Kaur. To the extent of the land measuring 15 bighas 13 biswas, purchased by Bhagwan Kaur under a registered sale deed, the property was clearly self-acquired, and she was competent to transfer it. To that extent, the findings of both the Courts below are upheld. Similarly, Bakhtawar Singh, being absolute owner of his share in the remaining land measuring 10 Bighas 12 Biswas and 0-1 Biswa was also competent to suffer the decree. The objection of the plaintiffs that the decrees were invalid for want of registration is without substance, for the decrees only recognised a transfer already made inter se the parties, and did not themselves create new rights.

33. With ownership already flowing from the valid consent decrees, no independent adjudication on the validity of the Wills dated 05.06.1974 is necessary. The Wills were questioned only on the footing that the properties were coparcenary in nature, a ground which has failed. The ownership of Mukhtiar Kaur stands secured on the strength of the decrees themselves.

34. Accordingly, it is held that the plaintiffs – Dalip Singh and Bhag Singh have failed to establish their plea regarding the ancestral nature of the properties in dispute. The excerpt relied upon by them is not proved in accordance

**RSA-2571-1997 (O&M) and connected cases****-18-**

with law, and both the trial court and the lower appellate court erred in holding otherwise. The consent decree dated 27.01.1979 executed by Bakhtawar Singh and Bhagwan Kaur in favour of Mukhtiar Kaur is valid and binding. As a necessary consequence, Defendant-Mukhtiar Kaur is held as owner of the suit properties measuring 10 Bighas 12 Biswas and 0-1 Biswa and 15 Bighas 13 Biswas, and the challenge raised by the plaintiffs stands repelled. Regarding possession of Mukhtair Kaur over suit property, revenue record shows her possession over the suit property and accordingly she is entitled to the relief of permanent injunction restraining the defendants from disposing her from the suit land.

35. **Regular Second Appeals No.2571-1997, 2572-1997, 2573-1995, 2573-1997, 2574-1995, 2574-1997, 2575-1995, 2576-1995**, filed by Mukhtiar Kaur are allowed and judgment and decree passed by the trial Court and the Lower Appellate Court are set aside to the extent as detailed above. **Regular Second Appeals No. 3116-1997, 3118-1997, 3194-1997** filed by plaintiffs-Dalip Singh and Bhag Singh stand dismissed. Accordingly, the suit filed by Mukhtiar Kaur is decreed and the suit filed by Dalip Singh and Bhag Singh stands dismissed.

36. Pending application(s), if any, also stands disposed of.

September 04, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes.