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

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Date of decision: 29.07.2026

Rachhpal Kaur @ Guddi

....Appellant

Vs.

Pritam Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Himanshu Puri, Advocate for
Mr. Sunny K. Singla, Advocate
for the appellant.

HARSH BUNGER J.

1. For convenience, the parties herein are being addressed as per their status in the original suit.
2. This is the defendant's regular second appeal challenging the judgment and decree dated 04.01.2018 passed by learned Civil Judge (Junior Division), Malerotla, and also the judgment and decree dated 14.10.2022 passed by learned Additional District Judge, Sangrur.
3. Briefly, the plaintiff (Pritam Singh) filed a suit for declaration that he be declared as the owner in possession of land measuring 9 biswa bearing Khewat No.139/124/139 Khatauni No.214 comprising Khasra No.1224/0-7, 1261/0-2, and land measuring 2 biswas out of 8 Biswas bearing khewat/khatauni No.141/126, 216min, 141 comprising khasra No.1225/0-8, situated at village Dhaler Kalan @ Ahmedpur, Tehsil

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Malerkotla, District Sangrur with specific khasra number and mutation No.3315 dated 15.03.2010 to the extent of $\frac{1}{2}$ share (hereinafter referred to as suit property) alleged to be sanctioned in favour of defendant No.1 in regard to the inheritance of Kartar Kaur widow Hazura Singh s/o Gujjar Singh is illegal, null and void.

3.1 A further prayer for grant of permanent prohibitory injunction was also made.

4. The plaintiff filed the aforesaid suit on the plea that originally Kartar Kaur wife of Hazura Singh was owner in possession of the suit property, who vide sale deed dated 09.11.1966 sold the same to the plaintiff. It was stated that Hazura Singh (husband of Kartar Kaur) had already expired in the year 1960 leaving behind Kartar Kaur (wife) and minor daughter namely Rachhpal Kaur.

4.1 It was further pleaded that Rachhpal Kaur (daughter of Hazura Singh and Kartar Kaur) had also died on 07.04.1964 at village Karamgarh Tehsil and District Barnala and accordingly the entire property was inherited by Kartar Kaur as mother and being natural legal heir of Rachhpal Kaur.

4.2 It is the categorical case of the plaintiff that defendant No.1- Rachhpal Kaur is the daughter of Bawa Khan son of Chanan Khan, however with an ulterior motive she was claiming herself to be daughter of Kartar Kaur and Hazura Singh (by way of impersonation), despite the fact that the original Rachhpal Kaur (daughter of Kartar Kaur and Hazura Singh), had already died on 07.04.1964.

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4.3 It was further stated that defendant No.1 in collusion with the Revenue Authorities, illegally got sanctioned a mutation No.3315 in her favour by concealing material facts, although, she had no concern with the ownership and possession of the suit property.

5. In the aforementioned circumstances, plaintiff filed the aforesaid suit.

6. Upon notice being issued, defendant No.1 appeared and opposed the claim of the plaintiff by submitting her written statement wherein she admitted that originally Kartar Kaur wife of Hazura Singh was the owner of the suit property, however, she denied the factum of sale deed dated 09.01.1966 in favour of the plaintiff. She further admitted that Hazura Singh died in year 1960 leaving behind Kartar Kaur as widow and Rachhpal Kaur as minor daughter and however, she claimed that the plaintiff was wrongly describing her as the daughter of Bawa Khan whereas, she is actually the daughter of Hazura Singh and Kartar Kaur. The remaining averments in the plaint were denied and prayer for dismissal of the suit was made.

7. The plaintiff filed replication denying the stand of defendant No.1.

8. From the pleading of the parties, following issues were framed by the learned Trial Court:-

“1 Whether plaintiff is entitled to the relief of declaration as prayed for? OPP

2 Whether plaintiff is entitled to the relief of permanent injunction as prayed for? OPP

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3 *Whether the suit of plaintiff is not legally maintainable?*

OPD

4 *Whether plaintiff is estopped by his act and conduct from filing the present suit?OPD*

5 *Whether plaintiff has not come to the court with clean hands and has suppressed true and material facts?OPD*

6 *Relief.”*

9. Thereafter, the parties led their respective evidence in support of their respective claim.

10. The learned Trial Court after considering the facts, pleadings as well as evidence available on record, decreed the suit filed by the plaintiff vide judgment and decree dated 04.01.2018.

10.1 The aforesaid learned Trial Court judgment has been further affirmed by the learned First Appellate Court vide judgment and decree dated 14.10.2022.

11. In the aforementioned circumstances, present regular second appeal has been filed before this Court.

12. I have heard the learned counsel for the appellant and perused the paperbook with his able assistance.

13. In the present case, the suit filed by the plaintiff has been decreed by the learned Trial Court. On an appeal being filed by respondent No.1 (Rachhpal Kaur), the learned First Appellate Court framed the following points for determination:-

“1. Whether Racchpal Kaur, daughter of Hazura Singh and Kartar Kaur had expired on 07.04.1964 and defendant no.1 is not the daughter of Hazura Singh?



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2. *Whether Kartar Kaur had authority to have executed the sale deed in favour of plaintiff and whether plaintiff is entitled to the declaration qua suit property?"*

13.1 While dealing with the aforesaid points of determination, the learned Additional District Judge, Sangrur, returned the following findings:

*"19. To prove that Rachhpal Kaur daughter of Hazura Singh and Kartar Kaur had expired on 07.04.1964, plaintiff examined Rajkumar, clerk from the office of Registrar Birth and Death, Barnala who proved the record with regard to entry No. 166 in register as **Ex. P6** which mentions that Rachhpal Kaur daughter of Hazura Singh had died in village Dhaler Kalan on 07.04.1964 when she was 4 years old. Plaintiff also proved **Ex. P8** and **Ex. P9** certified copies of judgement and decree dated 12.04.1967 in the suit No. 217 of 63 titled as 'Rachhpal Kaur versus Mst. Kartar Kaur and another'. Perusal of **Ex. P9** indicates that suit was filed on 05.10.1963 by Rachhpal Kaur daughter of Hazura Singh through her next friend against her mother Kartar Kaur and the present plaintiff for seeking possession of half of the land as detailed therein. **The said suit was filed on the date when Rachhpal Kaur daughter of Hazura Singh as asserted was alive.** Perusal of **Ex. P8** reveals that the present plaintiff who was impleaded as defendant No. 2 in the said suit of 1963 was earlier proceeded as ex parte and ex parte judgement and decree dated 12.02.1964 was passed in that suit. Subsequently present plaintiff filed an application under Order IX Rule 13 CPC which was allowed in his favour on 06.01.1967 and the suit was reopened and tried with the plaintiff as the only contesting party. Since, as asserted by plaintiff, Rachhpal Kaur had already expired during this period, he had taken this plea in his written statement of the said suit that the daughter of Hazura Singh and Kartar Kaur*



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had died on 07.04.1964. Specific issue was framed with regard to death of Rachhpal Kaur daughter of Hazura Singh and Kartar Kaur in the said suit which was eventually decided in favour of present plaintiff and Rachhpal Kaur was held to have expired on 07.04.1964. It had specifically been observed in the judgement Ex. P8 that Dalip Singh who had filed the suit No. 217 of 1963 as next friend of minor Rachhpal Kaur daughter of Hazura Singh, in another suit filed by him, had admitted that Rachhpal Kaur was dead and he alongwith others was entitled to get the property left by the said Rachhpal Kaur as after her death her mother Kartar Kaur entered into Karewa marriage with one Bawa Khan and out of their relationship, a daughter and two sons were born. The said observation by the then Sub Judge I Class Malerkotla clearly stands in support of the stand of the plaintiff that defendant No. 1 is not the actual Rachhpal Kaur daughter of Hazura Singh and Kartar Kaur rather the said Rachhpal Kaur had already expired on 07.04.1964 as proved vide Ex. P6 entry with regard to death of Rachhpal Kaur in the register. It is pertinent to mention here that the judgement and decree dated 12.04.1967 Ex. P8 and Ex. P9 had attained finality and so was the finding on issue with regard to death of Rachhpal Kaur daughter of Hazura Singh, as the same had never been challenged at any point of time.

20. Defendant No. 1 relied upon judgement and decree dated 29.07.1963 in the suit titled as 'Rachhpal Kaur through her guardian versus Kartar Kaur and others' Ex. D1 and Ex. D2 and the judgement and decree dated 30.09.1964 in the appeal thereof as Ex. D3 and Ex. D4 to prove that she had inherited the property from her father Hazura Singh and her suit for joint possession was decreed in her favour. It is noteworthy here that the said suit and appeal were filed prior to 07.04.1964 i.e.,



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prior to death of Rachhpal Kaur daughter of Hazura Singh. Therefore, the said judgements and decrees do not prove in any manner that Rachhpal Kaur was alive after 07.04.1964. Similarly defendant No. 1 also proved on record sale deeds dated 30.07.1962 as **Ex. D5** and that of 19.05.1962 as **Ex. D6** but again the said sale deeds were executed by Kartar Kaur and Rachhpal Kaur prior to 07.04.1964 i.e., death of Rachhpal Kaur daughter of Hazura Singh and are as such of no significance to conclude that Rachhpal Kaur daughter of Hazura Singh had not expired as asserted and proved by plaintiff.

21 No other document is on record to indicate that defendant No.1 was born out of wedlock of Kartar Kaur and Hazura Singh or that Rachhpal Kaur daughter of Hazura Singh had not expired on 07.04.1964. Therefore, **the point of determination No. 1 stands decided in favour of plaintiff and against defendant No. 1.**

POINT OF DETERMINATION NO.2

22. Plaintiff examined Pardeep Kumar registry clerk, office of Registrar Malerkotla who proved on record, the certified copy of registered sale deed as **Ex. P7** vide which Kartar Kaur had transferred the disputed land by way of sale in the name of plaintiff on 09.11.1966. As noted above, admittedly the property in dispute was owned by Hazura Singh and after his death his property got devolved upon his widow Kartar Kaur and his minor daughter Rachhpal Kaur which is clear as per **Ex. D8** mutation No. 1324. Thereafter, as held above Rachhpal Kaur daughter of Hazura Singh expired on 07.04.1964 and Kartar Kaur became absolute owner of the entire property and executed **Ex. P7** in favour of plaintiff qua the suit property. It was vehemently argued by learned counsel for defendant No. 1 that the revenue record in the form of jamabandis **Ex. D16** to



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*Ex. D24 and mutation no. 3315 Ex. D9, clearly mention the name of Rachhpal Kaur as co-sharer of the property owned by Hazura Singh after his death, which shows that she was alive and Kartar Kaur had never become absolute owner of property of Hazura Singh. Merely because the revenue record mentioned Rachhpal Kaur as co-sharer/owner even after her death, presumption of truth cannot be attached to the said revenue record. The said observation is fortified by judgement of our Hon'ble High Court in case titled as **Uttam Singh vs Des Raj 1990 (1) PLR 130**, wherein it was held that entries which continued in the revenue record in the name of deceased for about 17 years had no evidentiary value. Therefore, Kartar Kaur had undoubtedly become absolute owner of the property of Hazura Singh after death of Rachhpal Kaur and being absolute owner, she had executed the sale deed **Ex. P7** in favour of plaintiff, who is thus entitled to declaration with regard to suit property as mentioned in headnote of plaint. Hence, **point of determination No. 2 also stands in favour of plaintiff and against defendant No. 1.**”*

14. Before this Court, learned counsel appearing for the appellant has failed to refer to any material which may indicate that the findings returned by the learned Courts below are either illegal, perverse or based upon any misreading or mis-appreciation of evidence.

15. After having gone through the impugned judgments, I am of the considered view that the findings returned by the learned Courts below are based on proper appreciation of facts, pleadings as well as evidence available on record. There is sufficient and cogent evidence in support of the plea of the plaintiff that originally Kartar Kaur was the owner of the suit property and that her husband Hazura Singh has died in 1960 and Rachhpal



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Kaur (daughter of Hazura Singh and Kartar Kaur) had expired on 07.04.1964 and that the suit property was inherited by Kartar Kaur, who further executed the sale deed dated 09.01.1966 in favour of the plainitff in respect of the suit property.

15.1 Further, no question of law, much less substantial question of law arises for adjudication in this regular second appeal. Resultantly, the instant regular second appeal fails being devoid of any merit and the same is accordingly **dismissed**.

16. All the pending application(s), if any, shall also stand closed.

29.07.2026
Ankit

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No