

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3859 of 2012 (O&M)
Date of Decision.17.12.2015

Dhanpat s/o Sh. Nura alias Net RamAppellant

Vs.

Karan Singh and othersRespondents

Present: Mr. Chanderhas Yadav, Advocate
for the Appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-. -

K. KANNAN J. (ORAL)

1. The plaintiff who lost the case in the two Courts below in his suit for declaration that the jamabandi entry for the year 1985 was erroneous and it was bound to be set aside, had a case to contend that the share of Deenu had been wrongly entered in the name of Resho treating her as his wife when she was actually married to Deenu's brother Shera. Resho took a plea that she was married to Deenu and he had left for Kuwait and she later contacted marriage with his brother Shera. The plaintiff wanted to make a plea that Deenu had left for Kuwait even in the year 1947 and Shera had been born subsequently and it was, therefore, impossible that Resho could have married Deenu. The Resho's son was examined on the plaintiff's side who contended that Resho was married only to Shera and not to Deenu.

2. Resho herself had filed written statement during her life time referring to the fact of marriage to Deenu and that she had

contacted a marriage with Shera only after he left for Kuwait. She was not alive to participate at the trial and died during its pendency. The Court made reference to the fact that a revenue entry which had been made in the year 1985 treating her as wife must be taken as having value and her own assertion that she had been married to Deenu earlier before she came in contact with Shera would require to be accepted. The son's testimony could not in any way be of any help because it was impossible that the son could have directly known who her mother was married to earlier. If his mother herself was stating that she has been married to Shera's brother and then later contacted intimacy with Shera, the Courts were justified in relying on such an assertion.

3. If the two Courts below have accepted the assertion made by Resho and gave primacy to the entry made in the year 1985, there is no reason why this Court must take a different view. Further it must be noticed that the plaintiff was challenging a revenue entry which was made in the year 1985 as late as through a suit in the year 2005 that is 20 years later and it is too artificial to say that he did not know about the entry all these years and that he came to know about it only just before the institution of the suit.

4. The trial has proceeded on pure appreciation of facts and I will not find anything substantial as point of law emerging for interference in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

December 17, 2015
Pankaj*