IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Regular Second Appeal No.4715 of 2014
Date of decision:17.09.2015

Buta Singh ... Appellant

versus

Jangir Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Anil Dutt, Advocate,
for Mr. Satbir Singh Malik, Advocate,
for the appellant.

K.Kannan, J.

1. The plaintiff is the appellant before this court. The plaintiff had filed a suit for declaration with reference to the property claiming possession of 5/ 8 share of 743 kanals 15 Marlas measuring 464 Kanal 17 Marlas in village Malwala claiming that the property belonged to the father and after his death, he has inherited the same. The contention is that the father had been wrongly stated as having sold the property to the defendant's predecessor with the connivance of the numberdar in the year 1955. The father had died on 28.03.1962 and since then, the plaintiff has always been enjoying the property.

2. The defendant contended that the mutation entries had been made several decades back and as per the village manual, it

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was only the numberdar who has to record the same. He was known to both parties well and there had been no fraud committed. The defendant also relied on a statement made by the plaintiff himself in a land ceiling proceeding before the Collector that he held no properties in the village Malwala and his father had sold all of them. His own contention was that he held properties only in the village Ratia. The trial court and the appellate court held that the admission of the plaintiff was the best proof possible for the defendant and he, having admitted that his father had himself sold all the properties in Malwala village, was barred from contending that the father had left behind the suit property. If the reference to a sale had been made in rapat roznamcha dated 18.02.1955, it is futile to contend at this length of time that the sanction for mutation in the following year in 1956 had been wrongly made.

3. The suit is absolutely stale and without merit. The two courts below have correctly considered the same. I that there is no substantial question of law involved for consideration in the second appeal. Second appeal is dismissed.

(K.KANNAN)
JUDGE

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