

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

(1)

**Regular Second Appeal No.523 of 1986 (O&M)
Date of Decision: July 21, 2016.**

Amar Singh and others

.....APPELLANT(s).

VERSUS

Kishan Dev (Dead) through LR's.

.....RESPONDENT(s).

(2)

Civil Writ Petition No.12075 of 1996 (O&M)

Amar Singh (deceased) through his LR's and others

.....PETITIONER(s).

VERSUS

The Financial Commissioner and others.

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Argued by: Mr. L.N. Verma, Advocate
for the appellant (s).

Mr. R.K. Gupta, and Mr. Amit Jain, Advocates
for the respondents.

SURINDER GUPTA, J.

RSA-523-1986

This is second appeal against the concurrent judgments of the Courts below, whereby plaintiff Kishan Dev, since deceased, represented by his legal representatives (now respondent in this appeal) was declared owner-cum-landlord of the land in dispute and the appellants-defendants as

tenant under him on payment of 1/3rd *batai* and necessary correction was ordered to be made in the revenue record i.e. in column No.9 of the jamabandies from the year 1961-62 onwards.

2. Case of the plaintiff Kishan Dev, in brief, is that father of defendants namely Gurditta was cultivating the suit land as tenant on payment of 1/3rd of the harvested crop to plaintiff. The land revenue and other taxes of the land were being paid by the plaintiff. Defendants-appellants after the demise of Gurditta continued cultivating the land on the same terms. Gurditta in collusion with revenue *patwari*, manipulated an entry in the column No.9 of the jamabandi for the year 1961-62 to replace the words '*batai tihai*' to '*Bashahar Parta Malkan Ba Wajah Hone Be*' (as owner due to sale). This entry continued in the jamabandi for the years 1966-67, 1971-72 and 1976-77. Gurditta kept on paying 1/3rd of the crop but the defendants after the death of Gurditta stopped the payment of share of crop in the year 1977. Plaintiff took the copies of jamabandies from the *patwari* and moved application before the revenue authorities for correction of entry in column No.9 in the jamabandi. On enquiry, this entry was found to be wrong and vide order dated 17.12.1978, it was ordered to be corrected. *Patwari Halqa* of village Neoli Kalan entered a rapat No.154 dated 21.01.1979 to rectify the wrong entry. Thereafter, *patwari* in connivance with defendants recorded another rapat No.165 dated 01.02.1979 to maintain the old entry. The matter was again brought to the notice of revenue authorities and Tehsildar, Hisar ordered that the entry in the jamabandies be got rectified through civil court which gave cause of action to the plaintiff to file the instant suit.

