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

**CWP-5767-2015 (O&M)  
Date of decision : 02.02.2017**

Rajinder Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Dhiraj Chawla, Advocate  
for the petitioner.

Mr. D. Khanna, Addl. A.G., Haryana.

Mr. Akshay Bhan, Senior Advocate with  
Mr. Alok Mittal, Advocate  
for the applicant/respondent Nos.7 to 16.

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**AMIT RAWAL, J. (ORAL)**

**CM-5341-2016**

Prayer in this application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure for impleading the applicants as respondent Nos.7 to 16.

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the applicants are ordered to be impleaded as respondent Nos.7 to 16.

CM stands disposed of.

**CWP-5767-2015 (O&M)**

The petitioner is aggrieved of the impugned order 06.12.2014 (Annexure P-10), whereby, in pursuance to the judgment and decree

rendered by this Court in RSA No.496 of 1975, this Court decreed the suit granting a symbolic possession in favour of the petitioner against the tenants. The aforementioned judgment dated 09.09.1983 was assailed by the applicants in CM-5341-2016 and tenants in the regular second appeal, in Special Leave Petitions bearing SLP (Civil) Nos.2341 and 3071-74 of 1984, but vide order dated 12.07.1993, the same were dismissed for non-prosecution.

Mr. Dhiraj Chawal, submits that the aforementioned order has attained finality as no application for seeking restoration of the SLP has been filed. The decree of the High Court has, thus, become final. An application was moved to the authorities to correct the revenue record by incorporating the name of the petitioner in the column of the ownership. He does not dispute the possession of the applicants in CM-5341-2016 and respondents in RSA as tenants, much less, order dated 21.03.2011 (Annexure A-1) moved along with the application for impleadment, whereby the ejectment proceedings initiated under the Punjab Tenancy Act, 1887, were dismissed.

He has drawn the attention of this Court to the Annexure P-10 i.e. Column No.13, whereby the following entry was made, but on 16.12.2014, the same was cancelled:-

*“Change of ownership Billa Kabja as per orders of Court justice Sh. Pritpal Singh, Punjab and Hayana High Court case No.496 of 1975, date of decision 9.9.83.*

*Compared*

*Sd/- 27.1.14 Kgo”*

Mr. Akshay Bhan, learned Senior Counsel assisted by Mr. Alok Mittal, learned counsel appearing on behalf of respondent Nos.7 to 16

submits that the a valuable right available in law has accrued in their favour and it is, in this background of the matter, an application has been filed for impleadment. The petitioner has not denied the factum of order, whereby the ejectment proceedings alleged to have been filed in Form 'L' were not found incorrect in law and have been dismissed. The attempt is being made to correct the revenue record, though, by efflux of time, respondent Nos.7 to 16 have become the owner by way of prescriptions, therefore, the present writ petition is liable to be dismissed.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the interest of the party can be protected in the following manner:

Since the judgment and decree rendered by this Court in the regular second appeal, aforementioned, has attained finality, the mutation cannot remain in abeyance in view of the *ratio decidendi* culled out by the judgment of division Bench of this Court in **“Jagjit Singh V/s Divisional Commissioner, Patiala and others” 2012 (13) RCR (Civil) 96.**

In the column of ownership, entry of the petitioner regarding ownership has to be recorded. However, there is no decree of possession, but only symbolic.

The parties are left open to take appropriate defences and pleas, in case, any proceedings at the instance of the petitioner alleging himself to be owner and landlord are taken, in any form, in essence, respondent Nos.7 to 16 i.e. tenants will have a right to take all the defences and pleas available to them in law.

For the foregoing reasons, the order dated 06.12.2014 (Annexure P-10) qua cancellation part is hereby set aside and the order

dated 27.01.2014 qua mutation is restored.

This order of mine shall not come in their way. Any proceedings initiated shall be uninfluenced to the findings rendered by this Court.

With the aforesaid observations, the present writ petition stands disposed of.

02.02.2017  
Yogesh Sharma

( AMIT RAWAL)  
JUDGE

|                           |         |
|---------------------------|---------|
|                           | ✓       |
| Whether speaking/reasoned | Yes/ No |
|                           | ✓       |
| Whether Reportable        | Yes/ No |