101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2761 of 2013
Date of Decision: 08.12.2017

Dhani Ram

......Appellant

Vs

Hari Singh and others

....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate
for the petitioner.

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RAJ MOHAN SINGH, J.

[1]. Plaintiff is in Regular Second Appeal against the judgments and decrees passed by the Courts below in a suit for declaration.

[2]. Brief facts are that the plaintiff filed a suit to the effect that he was owner in possession of agricultural land measuring half share i.e. 18 *Marlas* out of the acquired land measuring 1 *Kanal* 15 *Marlas* comprised in *Rectangle* No.33, *Khasra* No.25 (0-5) and *Rectangle* No.34 *Khasra* No.21/1/2 (1-10) as shown in the plaint. Wrong entries recorded in the *jamabandis* from the date of acquisition of the land about 20 years ago till date were

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sought to be rectified and set aside.

[3]. Both the Courts below have found that the plaintiff filed the suit on the basis of award passed in the year 1980. The said award was in respect of land acquired for construction of Scheme of 'Kurali tubewell ditch channel'. The award was passed wherein description of the suit land was given. Half of the share of the plaintiff was acquired and remaining half share of the defendants was also acquired.

[4]. The alleged wrong recording of entries in the revenue record was in respect of said fact which took place soon after the award of 1980. The wrong entries were allegedly made by the revenue department in respect of share of the plaintiff acquired in respect of 1 *Kanal* 15 *Marlas* of land for the purposes of construction of 'Kurali tubewell ditch channel'.

[5]. The cross examination of Phulla Ram defendant was crystal enough to demonstrate that the plaintiff and the defendants were joint owners of 1 *Kanal* 15 *Marlas* of land which was acquired in the year 1980 for the aforesaid purpose. The compensation was received by the parties jointly. The said fact was apparent from Ex.D-3 which was evidence of the fact that the amount of compensation was received by the plaintiff as well as predecessor-in-interest of the defendants No.1 to 8 and

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uncle of defendant No.9. The alleged wrong entries in the revenue record could have been challenged by the plaintiff within limitation of three years. The challenge made to the alleged revenue entries after the period of 26 years i.e. on 05.08.2006 was considered to be barred by limitation. No exception can be made to the observation made by the Courts below while dismissing the suit.

[6]. In view of above, no law point worth cognizance is involved in the present appeal. The same is accordingly dismissed.

December 08, 2017 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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