

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

**RSA No.36 of 2014 (O&M)
Date of Order:01.08.2017**

Bharat Pal and others

..Appellants

Versus

Samayveer Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Tewatia, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

Defendants are in regular second appeal against concurrent findings of fact, arrived at by the courts below.

Plaintiff had filed a suit for declaration, the revenue authorities have committed an error while implementing the Will dated 22.09.1970

Defendants had contested the suit.

Learned trial Court after appreciating the evidence available on the file found that there is error by the revenue authorities while while implementing the Will, dated 22.09.1970, in the revenue record.

The first appeal filed by the defendants has also been dismissed after re-appreciating the facts available on the file.

Counsel for the appellants has submitted that the judgments passed by the Courts below are result of misreading of the evidence. Learned counsel for the appellants has further submitted that the suit filed by the plaintiff was barred by time.

I have considered the arguments of learned counsel for the appellants.

In my opinion, there is no misreading of evidence. Learned counsel for the appellants has not been able to point out that there is any substantial misreading of evidence.

Next argument of learned counsel for the appellants is that the suit is barred by limitation because the suit was filed in the year 2005, whereas Will was given effect to in the revenue record in early 1970.

In my opinion, the suit is not barred by time. The plaintiff is only seeking declaration that the revenue record should be corrected. The revenue record is prepared after every five years. The mutation does not confer title. Mutation also does not give rise to cause of action. Therefore, a wrong implementation of the Will in the revenue record, would not give rise to a cause of action to the plaintiff to file a suit. The plaintiff had filed a suit for declaration declaring that parties should be recorded properly in the revenue record as per the share received by them in the Will.

Finding no merits in the regular second appeal, the same is ordered to be dismissed.

August 01, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No