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

**RSA No. 2075 of 2017(O&M)  
Decided on:19.07.2017**

**Budh Parkash @ Budh Parkash Singh** .....Appellant

**versus**

**Swaran Singh** .....Respondent

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

**Present:** Mr.Sanjeev Kumar Arora, Advocate  
for the appellant.

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**Rajbir Sehrawat, J.(Oral)**

Learned counsel for the appellant submits that the suit property was under the ownership of the Central Government. However, on the basis of long possession the plaintiff-respondent, Swaran Singh was allotted proprietary rights in the suit land under the Punjab Package Deal Properties (Disposal) Act, 1976 with condition that he shall not transfer this land to anybody else before a period of 20 years. However, the plaintiff had transferred this land to one Makhan Singh etc. in the year 1994. Therefore, the allotment in favour of the plaintiff-respondent was cancelled vide order dated 13.03.2009. However, on appeal, this order of cancellation of allotment has since been set aside, vide order dated 31.05.2010 and the matter was remanded to Tehsildar , Jalalabad for deciding the matter again.

In this case, the appellant is claiming to be the subsequent purchaser from Makhan Singh etc. and, therefore, he claimed that the land had been transferred to him and possession was also handed over to him and

hence, a suit of plaintiff-respondent, basically relating to the question of possession, should have been dismissed.

Although the matter regarding ownership of the plaintiff over the suit land has not been finally decided, as stated by the learned counsel for the appellant, however, since the order of cancellation has been set aside therefore, as on the date of filing of suit, the plaintiff was very much the owner of the land and he continues to be the owner till today.

So far as the possession is concerned, the learned counsel for the appellant submits that the Khasra Girdawari was changed in his favour on 25.04.2013 during the pendency of the suit. However, he submits although the actual order of correction of Khasra Girdawari was passed during the pendency of the suit but the application of the same was moved by them prior to the filing of the suit. This contention of the learned counsel for the appellant also does not merit acceptance. The appeal relates to the situation at the time of filing of the suit and the question of possession would still be the subject matter of a dispute pending regarding the ownership of the plaintiff and this can also be subject matter of further proceedings, if at all, taken by either of the parties. Therefore, the correction of Khasra Girdawari during the pendency of the suit would not alter the character of the suit which is based on rights of the parties existing of the date of filing of the suit.

In view of the above, learned counsel for the appellant has failed to make out his case and the appeal is dismissed.

**19<sup>th</sup> July, 2017**

shabha

Whether speaking/reasoned  
Whether reportable

**[RAJBIR SEHRAWAT]**

**JUDGE**

- Yes/No  
- Yes/No