

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

**RSA No.273 of 1991 (O&M)
Date of Order:26.02.2018**

Chhiddi and another

..Appellants

Versus

Mangi Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.R.Rana, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

Defendants-appellants are in regular second appeal against the judgment passed by the learned first appellate court, reversing the judgment passed by the learned trial court.

Defendants-appellants were admittedly inducted as “Dholidars”. Dholi is a grant given by the owners for the services rendered. It is not in dispute that in the present case, “Dholi” was granted for performing religious functions and for running a “Piao”(water dispensing).

Learned first appellate court has noticed that the defendants-appellants have admitted that there is no “Piao(water dispensing) for the last 5-6 years. Learned first appellate court has also noticed that defendants-appellants have shifted from the village and started residing in village Pipli in Utter Pradesh. The court has also noticed that the defendant-appellant-Chiddi when appeared in the evidence admitted that he is uneducated and does not know the meaning of Satpati (7 steps taken at the time of marriage). It may be significant to note that the defendants-

appellants did not continue to be in possession of the property and they gave it on lease to some of the owners. Defendants-appellants filed proceedings for ejectment of the few owners which was allowed by the revenue courts.

Since, the defendants-appellants are neither residing in the village nor rendering service, for which the grant was given, learned first appellate court has not committed any error in declaring that the plaintiffs are owners of the property and the entry in the revenue record continuing the defendants to be “Dholidars” is illegal and void.

I have heard counsel for the appellants at length and with his able assistance gone through the judgments passed by the courts below and the record.

Learned counsel for the appellants has submitted that as per the “Sharat-Wajib-Ul-Arz, there was no restriction on the “Dholidars” to give the land on lease. He submits that even if the defendants-appellants are not cultivating the land themselves and are not living in the village, still their rights as “Dholidars” would not come to an end.

In the considered opinion of this Court, the argument of learned counsel has a fundamental error. “Dholi” is a grant given in lieu of rendering service. Learned first appellate court on appreciation of evidence has found that the defendants-appellants have stopped rendering service and have shifted to another village. The first appellate court has not held that since the defendants-appellants have given the land on lease, hence the “Dholi” has come to an end. The first appellate court as a matter of fact has found that the defendants-appellants are no longer “Dholidars” under the plaintiffs.

In view of the aforesaid discussion, there is no ground to

interfere with the judgment passed by the learned first appellate court.

The regular second appeal is dismissed.

February 26, 2018
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(ANIL KSHETARPAL)
JUDGE

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