

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

208

**RSA-1112-2011 (O&M)
Date of Decision : 12.2.2018**

**SATBIR SINGH DECEASED THROUGH HIS LEGAL
REPRESENTATIVES AND ANOTHER**

....APPELLANTS.

VS

AMAR SINGH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. C.R.Dahiya, Advocate
for the appellants.

Mr. Ajit Sihag, Advocate
for the respondent No. 1.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The claim of the appellants were that they were grand sons of Harnam Singh who had left behind two sons and four daughters. The whole family constituted a joint Hindu family and the appellants were the owners of the 1/4th share of the land in view of the oral family partition. Both the Courts below held that an oral family partition could be recognized only when it was incorporated in the revenue record and, since the oral partition relied upon by the appellants was not reflected in the revenue record, the same could not be relied upon. The other evidence which the appellants relied upon were irrigation water tax receipts Ex. P-2 to Ex.P-25 which as per them showed their possession

over the land in dispute. The Courts below disregarded these documents on the ground that firstly these documents could not rebut the presumption of the ownership in revenue record and secondly, most of these receipts did not even mention Killa No. to which they pertain. Learned Counsel for the respondents has sought to argue that these receipts did show the possession of the appellants. In my opinion, this argument cannot be accepted. The Courts below have rightly observed that such documents do not rebut the presumption of the regular revenue record, more so when the Killa No. to which they pertain have not been mentioned there in.

The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

12.2.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No