

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

**RSA No.1282 of 2016 (O&M)
Date of Decision.02.11.2018**

Guddar Singh

....Appellant

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Punchhi, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming declaration for correction of revenue record. It was averred that the plaintiff was in possession of agricultural land measuring 11 kanals 8 marlas comprised in Rect. No.59. He moved an application for correction of khasra girdawari but inadvertently the land comprised of Killa No.3(8-0) was not incorporated and that remained unchanged. By taking the advantage of revenue entries, Khushal Singh suffered a conveyance deed in favour of one Gurdial Chand. However, the suit was filed only against the State of Punjab without impleading Khushal Singh and Gurdial Chand.

Noticing the aforementioned fact, the trial Court dismissed the suit and so the lower Appellate Court.

Mr. Sandeep Punchhi, learned counsel appearing on behalf of the appellant submitted that the plaintiff was not properly guided to implead Gurdial Chand and Khushal Singh but the fact of the matter is that ownership and possession of the suit property had been proved, therefore, there is illegality and perversity.

I am afraid aforementioned argument of Mr. Punchhi is not sustainable, as the conveyance deed was effected in the year 1995 whereas the suit was filed in the year 2006. During all this period, plaintiff acquiesced the aforementioned fact. Assuming for the argument's sake that the suit had been filed within limitation, even then it could not be decreed in the absence of impleadment of Gurdial Chand and Khushal Singh. The suit was hopelessly not pleaded in the manner and mode it ought to have been. This is what is the import of the judgments and decrees of the Courts below.

I do not subscribe to the argument of Mr. Punchhi to form a different opinion than the one already arrived at, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the second appeal is dismissed.

The application for condonation of delay is also dismissed.

(AMIT RAWAL)
JUDGE

November 02, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No