

RSA-2698-2016 (O&M)

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

RSA-2698-2016 (O&M)

Date of decision : 13.12.2018

Jodh Singh (deceased) through LR's and others

... Appellants

Versus

Gopal Singh (deceased) through LR's and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harminder Singh, Advocate
for the appellants.

AMIT RAWAL, J.

CM-7230-C-2016

For the reasons stated in the application, the delay of 09 days
in refiling the appeal is condoned.

CM stands disposed of.

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The short point involved in the present regular second appeal preferred by the appellant-plaintiffs, who were not successful before the trial Court as well as the lower Appellate Court, had been that on the basis of the ownership vide sale deed of 1960, the plaintiffs failed to connect the khasra numbers pre and post consolidation. Subject matter of the sale deed was 9 kanals 19 marlas, whereas the declaration sought in 2009 was in respect of 22 kanals.

The best possible evidence to succeed in the suit was to bring

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on record the relevant revenue record to establish the connection.

In the absence of the same, the simpliciter suit for declaration purported to be under Section 45 of the Punjab Land Revenue Act, for correction of the revenue record, was not maintainable.

In this view of the matter, there cannot be any illegality or perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

13.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**