

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

**RSA No.1480 of 2015 (O&M)
Date of Decision.05.12.2018**

Ujagar Singh and others

....Appellants

Vs

Suraj Mal (deceased) through LR's and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff is claiming ownership in respect of land measuring 12 bighas 9 biswas i.e. 26 kanals 4 marlas comprised in khewat No.52/58, Khatoni No.133, 134 and 135, Rect. No.51 and Killa Nos.2 (8K-0M), 3 West (6K-0M) vide latest Karwai Register Chakbandi dated 17.11.2000 and land measuring 12 Kanals 4 Marlas comprised in Khata No.25, Kittas 5 vide mutation No.1820 and comprised in Khata No.25 & 26 vide mutation No.1808, ½ share vide each mutation, situated at village Chaugawan, Tehsil Indri, District Karnal on the premise that they had become owners as the land mortgaged was redeemed on deposit of consideration. However, due to inadvertence, entry regarding redemption was not reflected in the revenue record. In support of aforementioned assertions, examined PW2 Halqa Patwari but his testimony has been brushed aside and the suit has been dismissed.

Mr. Parminder Singh, learned counsel appearing on behalf of the appellant submitted that statement of Halqa Patwari had

been very consistent and coherent and he was posted at the time when the redemption as pleaded in the plaint was done. He has also brought on record certain documents, which established the same.

I am afraid aforementioned argument is not sustainable as in the column of mortgage, it was no where stated that the amount was deposited. It is still reflected to be mortgaged in favour of the defendants. In these circumstances, declaration of ownership could not have been granted. Plaintiffs miserably failed to lead evidence in respect of the averments in the suit, thus, onus under Section 101 of the Indian Evidence Act had remained undischarged.

No ground for interference is made out, much less, no substantial question of law arises for determination by this Court. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 05, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No