

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

**RSA No.4510 of 2015 (O&M)
Date of decision : March 14, 2018**

Pyare Lal

..... Appellant

Versus

Smt. Murti and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shiv Kumar, Advocate for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present regular second appeal is the judgment dated 07.05.2015 passed by learned Addl. District Judge, Palwal, affirming the judgment and decree dated 15.02.2013 passed by learned Civil Judge (Jr. Divn.), Hodal, vide which the suit filed by the plaintiffs for declaration and permanent injunction was dismissed, holding that the plaintiffs are not entitled to share of defendant No.1 in the suit land and the same is liable to revert back to the original proprietors.

Heard.

The plaintiffs had filed a suit for declaration to the effect that they are Dholidars in possession of the suit land, detailed in the head note of the plaint and defendant No.1 is not the Dholidar of the suit land and has no right in the suit land and the impugned order (of the Commissioner) is liable to be ignored. Permanent injunction was also sought for restraining the defendants from taking the illegal and forcible possession of the suit land.

It comes out from the pleading that originally the proprietor of the village gave the suit land on rent free lease (Dholidar) to three brothers,

namely, Kanhiya Lal, Hukam Chand and Prabhu Dayal @ Deep Chand. Prabhu Dayal @ Deep Chand is the father of the plaintiffs and defendant No.1 is the daughter of Hukam Chand, Dholidar.

Undisputedly, the Dholidar rights are heritable rights. Rent free lease is given to the Dholidars on account of their rendering religious services of the proprietor of the village.

Now, the claim of the plaintiffs is that defendant No.1 is living in Chandigarh. Therefore, she is not rendering religious duties. Thus, they are also entitled to 1/3rd share of defendant No.1, inherited by her from her father Hukam Chand.

In this case, the proprietors of the village are not party. Apparently, Dholdiar rights are heritable rights and defendant No.1 inherited her rights from her father. If on account of her failure to render religious duties of the proprietors, she disentitled her from rent free lease, the property will revert back to the proprietors and the plaintiffs cannot claim inherited rights of defendant No.1. There are concurrent findings recorded by two Courts below. There is no ground to interfere in the same.

As such, the present regular second appeal is dismissed.

Since, the main appeal has been dismissed, therefore, the pending application(s), if any also stands disposed of.

(KULDIP SINGH)
JUDGE

March 14, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No