

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

(126)

RSA-6786-2016 (O&M)

Date of Decision: October 30, 2018.

Jagchittar Singh and another

..Appellants

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Kamal Narula, Advocate, for the appellants.

AMIT RAWAL, J. (ORAL)

CM-17691-C-2018

For the reasons stated in the application, delay of 28 days in filing the appeal is condoned.

Application is allowed.

RSA-6786-2016 (O&M)

Appellants/plaintiffs have not been successful in seeking declaration to be owners in possession of land measuring 84 kanals 13 marlas (hereinafter called the suit property) laying challenge to the entries in the jamabandi for the year 1999-2000 in the name of State of Punjab, with consequential relief of injunction.

It was averred that Sodhi Sarop Singh was owner of the suit property who expired about 60 years back. After his death, Durga Devi and Smr. Suraj Kaur became the owners of the suit property. On the death of Suraj Kaur, plaintiffs Jagchittar Singh and Gurmit Singh became owners of the suit property being sons of Suraj Kaur. The plaintiffs are in actual cultivating possession of the suit property and have sown valuable crops over it. When the plaintiffs obtained the copies of the Jamabandi from the Halqa Patwari, then it came to their notice that in the column of cultivation,

the name of the defendant was wrongly written. The predecessor, in interest of plaintiffs never donated the suit property to the defendant at any point of time. The entries in the revenue record in the name of the defendant are wrong.

The suit was contested on the ground that the land was donated to the defendant by Sodhi Sarup Singh, ancestor of the plaintiffs, and mutations in this regard were sanctioned.

In support of evidence, plaintiffs examined four witnesses whereas the defendant examined one Lekh Raj as DW-1, its official, who proved on record sale certificates and receipts Ex.D-1 to D-12.

Learned counsel appearing on behalf of the appellants has submitted that the Court below have misinterpreted the judgment Ex.P-1 whereas the defendants have not placed on record any evidence to establish the alleged entry. There is no limitation claiming title, therefore the suit could not held to be barred by limitation.

I am afraid aforementioned arguments of Mr. Narula would not come to the rescue of the appellant-plaintiff. Perusal of judgment and decree dated 26.11.1997 Ex. P-1 revealed that a similar suit was filed by the plaintiff, challenging the same very mutation No.259 dated 14.12.1962 qua part of the suit land. No explanation has come for claiming the same relief in the year 2011, i.e. after 49 years, much less any document to establish the entry of ownership in the name of Suraj Kaur.

There is no illegality and perversity in the finding rendered by both the Courts below. No substantial question of law arises for adjudication of this Court.

Dismissed.

October 30, 2018.
harsha

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No