

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

**RSA No.695 of 2016 (O&M)
Date of Decision : 08.05.2018**

Satnam Singh and others

.....Appellants

Versus

Gurmeet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Sanjiv Gupta, Advocate for the appellants.

ARUN PALLI, J. (Oral)

The suit filed by the plaintiffs was dismissed by the trial Court, vide judgment and decree dated 18.02.2013. As even the appeal preferred against the said decree failed and was dismissed on 3.8.2015. The plaintiffs are in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original position in the suit.

The plaintiffs prayed for a declaration that entry in the column of cultivation in jamabandi for the year 2007-2008, in khatauni No.299, Khewat No.168 showing defendants to be in exclusive possession of the suit property was wrong, null and void, and thus, liable to be corrected. Concededly, parties to the dispute happened to be the co-owners in the suit land to the extent of their respective shares. Thus, the short question involved for determination has been if the defendants was indeed in exclusive possession and therefore rightly being shown as such in the revenue records. Concededly, the defendants had earlier leased out the suit

property, as a result, the plaintiffs had filed a suit seeking cancellation of the lease deed dated 17.12.1991, which, though decreed in their favour, but the plea of the defendants that they were in exclusive possession of the suit land, was accepted and they were held to be in exclusive possession. Further, the plaintiffs never challenged the entries showing defendants to be in exclusive possession in the suit property in those proceedings. Rather, having chosen not to question the validity or veracity of those entries in the earlier suit the plaintiffs impliedly accepted them to be correct. No doubt, the entries in the revenue record carry a rebuttable presumption, but no cogent evidence was led to the contrary. On being pointedly asked, learned counsel for the appellants could not point out anything from the record to show if the conclusion arrived at by both the Courts was either contrary to the record or suffered from any material illegality. Thus, no question of law, much less any substantial question of law, arises for consideration in this appeal. The same being devoid of merit is accordingly, dismissed.

08.05.2018

*Manoj Bhutani***(ARUN PALLI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No