

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101

RSA No.492 of 2017 (O&M)

Date of decision:14.8.2018

Ajit Singh

... Appellant

versus

Jagir Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.B.B.S.Randhawa, Advocate,
for the appellant

...

AMOL RATTAN SINGH, J. (Oral)

Though learned counsel for the appellant has strenuously argued that the appellant as also the respondent-plaintiff are co-sharers in the suit land and therefore the plaintiffs' suit could not have been decreed in his favour granting him a decree of permanent injunction in a jointly held *khewat*, he has, on query, not been able to deny that as a matter of fact, firstly, the revenue record as was adduced by way of evidence before the learned trial Court in the form of *jamabandis*, (Exs.P1 and P5), did not carry the name of the appellant-defendant, though it carried the name of the plaintiff as a co-sharer alongwith other co-sharers.

Learned counsel also submitted that actually it was the appellants' father who had exchanged the suit land with another co-sharer; however, he also could not deny that the *jamabandi* did not reflect the name of even the father of the appellant-defendant as a co-sharer, and that no co-sharer with whom the land is stated to have been exchanged, stepped into the witness box to testify to that effect.

Undoubtedly, there is a presumption under Section 44 of the Punjab Land Revenue Act, 1887, in favour of the revenue record, i.e. *jamabandis* (record of rights) and *mutations*, and that is a rebuttable presumption; but with no evidence to rebut such presumption in favour of that record, as discussed herein above, I find no reason to entertain this second appeal, on concurrent findings of fact recorded by the learned Courts below.

There also being a delay of 392 days in filing the appeal, I further see no reason to entertain it, which is accordingly dismissed, both, on account of delay as also on merits.

14.8.2018
pk/dinesh

(**AMOL RATTAN SINGH**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No