

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

**RSA No.2031 of 2018(O&M)
Date of Decision: 23.01.2019**

Iqbal Singh and others

.....Appellants

Versus

Thaman Singh and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. P.K. Ganga , Advocate
for the appellants.

RAJ MOHAN SINGH, J.(Oral)

[1]. Both the Courts below have concurrently dismissed the suit of the plaintiffs for declaration that they are joint owners in possession in equal share in the suit land on the basis of natural inheritance of Smt. Parmeshwari Bai wife of Jagtar Singh after setting aside the mutation Nos.283 and 5990 in respect of the land mentioned in favour of the defendants in sub para Nos.A and B respectively.

[2]. Plaintiffs claimed that defendants are not the sons of deceased Smt. Parmeshwari Bai and Jagtar Singh, rather the name of their father was Tikka Singh. Revenue record has rebuttal presumption.

[3]. Both the Courts below have relied upon the fact finding

inquiry and order Ex.D10 passed by Assistant Collector, First Grade to corroborate the stand taken by the defendants. Revenue authorities on due consideration of objections filed by the plaintiffs reached at the conclusion that the plaintiffs and defendants are real brothers being sons of Jagtar Singh. In order to arrive at this conclusion, Sub Divisional Officer (C) had himself visited the spot at the time of mutation proceedings and conducted inquiry and thereafter, he concluded that Jagtar Singh and Tikka Singh are the names of only one person. The major piece of evidence was used by both the Courts below in order to corroborate the stand of the defendants. It was also found that name of Jagtar Singh was changed to Tikka Singh only for the purpose of allotment of Government land and thereafter, new ration card was got prepared by Jagtar Singh in his another name i.e. Tikka Singh. The aforesaid activity was undertaken because as per revenue record, no more land could have been allotted to one family. The inquiry conducted by the Sub Division Officer (C) revealed that why the name of Jagtar Singh was changed to Tikka Singh in the revenue record produced by the plaintiffs.

[4]. The reading of the aforesaid evidence and appreciation thereof done by the Courts below would not give rise to any place to hold perversity in the findings of fact recorded by both

the Courts below. No law point worth consideration is involved in the present appeal. This appeal is found to be totally devoid of merits and the same is accordingly dismissed.

[5]. Since the main appeal has been dismissed, therefore, there is no necessity to pass any order in the application for condonation of delay of 247 days in re-filing the appeal. All the other applications are disposed of accordingly.

23.01.2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**