

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.2593 of 2018 (O&M)

Date of decision: 25.02.2019

Sohan Singh

..... Appellant

Versus

Jaswant Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ranjit Saini, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiffs filed the present suit for declaration claiming that plaintiffs and defendants No.3 to 11 are owners in joint possession of the land measuring 1 kanal 18 marlas fully described in the plaint on the strength of a registered sale deed dated 21.12.1963 executed in favour of Uttam Singh, Banta Singh, Shankar Singh and Joginder Singh by predecessor of the defendants No.1 and 2. The plaintiffs had only prayed that since the revenue record does not depict the correct position, therefore, a decree for declaration should be granted.

The defendants apart from other plea have alleged that no alienation was made by their predecessor-Punjaba on 21.12.1963.

The execution and registration of the sale deed has been proved by examining the attesting witness and the official from the Sub-Registrar

office. Thus, the Courts decreed the suit filed by the plaintiffs.

Learned counsel for the appellant has submitted that the suit filed by the plaintiffs was barred by time as the suit was filed after a period of 47 years. This Court has considered the submission, however, finds no substance therein as plaintiffs along with defendants No.3 to 11 claim to be in joint possession of the property pursuant to a registered sale deed. The plaintiffs are claiming their title under the registered sale deed. They have only prayed for declaration that they are owner in possession and the revenue entry showing defendants No.1 and 2 to be owner in possession is incorrect. It is well settled that entry in the revenue record (records of right) neither give rise to any cause of action nor these are documents of title. At the most, records of right are evidence of title. The title is transferred on the basis of a registered sale deed which in the present case has been proved as concurrently found by the Courts below. A wrong entry in the revenue record has to be corrected by the revenue authorities in accordance with the registered instrument. Hence, the suit filed by the plaintiffs cannot be said to be beyond limitation.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

25.02.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No