

**RSA No.5239 of 2017 (O&M)**

**{1}**

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

**RSA No.5239 of 2017 (O&M)**

**Date of decision:08.04.2019**

Ganga Ram (since deceased) through LRs and another ... Appellants

Vs.

Nain Singh (since deceased) through LRs

... Respondent

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Manoj Kaushik, Advocate  
for the appellants.

**AMIT RAWAL J. (Oral)**

The appellant-defendants have not been successful in defending the suit for declaration and permanent injunction whereby the plaintiffs claiming themselves to be tenant in possession of the suit property seeking correction of the revenue record from 1982 till date.

The plaintiffs alleged that they were the tenants in possession of land measuring 15 kanals 13 marlas and previous to that their father was tenant. On his demise in the year 1986, the plaintiffs were the legal heirs and had been in peaceful possession of the suit property. The name of the defendants erroneously appeared in the revenue record i.e. in the jamabandi for the year 1982-83. In fact, it was in collusion with Patwari Halqa. On acquiring the knowledge of the same, the suit was filed in 2005.

Defendant no.1 appeared and contested the suit by taking the preliminary objections and denied the status of the plaintiff as tenant, much less of his father and asserted his possession as tenant.

The plaintiffs in support of the pleadings brought on record the documents Ex.P1 to Ex.P11 in affirmative and Ex.P12 to Ex.P15 in rebuttal whereas, defendants also brought on record umpteen number of documents.

Mr. Manoj Kaushik, learned counsel appearing on behalf of the appellants submitted that documentary evidence placed on record by the plaintiffs from 1982 to 2008 reflected their status as gair marusi. The suit filed in 2005 was not maintainable being barred by law of limitation. The plaintiffs have not been able to connect the khasra numbers. The entry was not on their behest, but by the Patwari, after inspection of the land.

I am afraid the aforementioned arguments are not sustainable in the eyes of law for the simple reason that defendants have not been able to place on record any order ordering any connection of land. On the contrary, the plaintiffs placed on record the revenue record reflecting the possession of the plaintiffs and their father as tenants. The defendants failed to controvert the aforesaid documents. The decretal of the suit is inevitable.

As an upshot of my findings, arguments of Mr. Kaushik, have not been able to bring the case within the realm of illegality and perversity to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)  
JUDGE

April 08, 2019  
savita  
Whether Speaking/Reasoned  
Whether Reportable

Yes/No  
Yes/No