

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

RSA No.926 of 2019(O&M)

Date of decision: 28.2.2020

Ravel Singh (deceased) through his LR Jagtar SinghAppellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Hakam Singh, Advocate for appellant.

REKHA MITTAL, J.

The unsuccessful appellant/plaintiff has filed the regular second appeal to assail the judgments and decrees passed by the Courts whereby his claim in respect of land measuring 20 kanal 11 marlas comprised in khasra Nos.938, 939, 940/ 1min in khewat No.3360//3022 situated in village Ellenabad, District Sirsa, as per jamabandi for the year 2007-08 has been dismissed.

The case set up by the appellant/plaintiff is that after independence of India, he left Multan (now in Pakistan) and settled in Ellenabad in the year 1955. He was allotted land in Ellenabad, District Sirsa and a letter in this regard was also issued by the Settlement Officer-cum-the then Collector and mutation in this regard was entered in his name. Later, the appellant settled at other places and has now come back to Ellenabad and found that revenue records regarding the land in dispute is in the name of Punjab Government but the same is liable to be corrected in favour of the appellant/plaintiff. Hence the suit.

Defendant No.1 filed the written statement that District Sirsa was earlier a part of Punjab State but after re-organization in 1966, it became a part of Haryana State. Counsel for the appellant was ordered verbally by the Court that name of village and Tehsil of Multan District may be informed so that records of allotment against appellant's claim may be traced. Counsel for the appellant was requested by State vide letter No.AR-I/654/719 dated 05.06.2008 for providing particulars of village and Tehsil in Multan District but to no result.

Later, defendants No.2 and 3 therein were also impleaded as party. Defendant No.3 filed the written statement. It is averred that suit land belongs to Bhakhra Beas Management Board under the Punjab Re-organization Act, 1966 (in short 'the Act'). It remained under the supervision and control of Bhakhra Beas Management Board till rabi 1973 but later Smt. Santo Devi of Kartar Singh wrongly got her name entered in the revenue records in respect of land measuring 14 kanal 10 marlas comprised in khasra No.940 at the back of Bhakhra Beas Management Board and took over its possession in unauthorized manner. The material averments made in the plaint were denied with a prayer for dismissal of the suit.

The trial Court framed issues, noticed in para 9 of the judgment of said Court. As has been noticed hereinbefore, the trial Court dismissed the suit and appeal preferred by unsuccessful plaintiff/appellant (since deceased) now represented by his LRs remained unsuccessful.

The appellant staked his claim to the suit land on the basis of allotment made in the year 1955 but failed to produce any document with regard to allotment in his favour. During pendency of appeal before the Appellate Court, Balraj Singh, Retired Patwari, was examined in respect of

translation of Urdu documents in Hindi. He would depose that he had seen the documents Ex.PW3/H and PW3/I and its Hindi translation from Urdu as Ex.PW3/H/T and PW3/H/I. In cross examination, he had stated that Ex.PW3/H and Ex.PW3/I are the photocopies and he had not seen original of these documents. Further stated that Ex.PW3/H/I is the Sanad pertaining to village Rania, Tehsil Sirsa, District Hisar and khasra No.911/908 is of village Rania.

The originals of Ex.PW3/H and PW3/I were not produced nor counsel for the appellant has made any submissions if photocopies can be admitted in evidence as secondary evidence of originals, in view of the provisions of Section 65 of the Indian Evidence Act, 1872. This apart, the document Ex.PW3/I of which Hindi translation is Ex.PW3/H/I pertains to khasra No.911/908 situated in village Rania Tehsil Sirsa, District Hisar. Meaning thereby that the said document does not pertain to land situated in village Ellenabad in respect whereof the appellant has staked his claim on the basis of allotment. Furthermore, the appellant has not produced any evidence much less documentary that in respect of land mentioned in Ex.PW3/I, the disputed khasra numbers were allotted either at the time of consolidation or otherwise. In this view of the matter, it can safely be held that the appellant failed to adduce sufficient much less cogent and convincing evidence to establish his case that he is owner of the suit land on the basis of any such allotment made in respect of his claim qua property left in District Multan (now in Pakistan). The plea of the appellant with regard to his having left any property in District Multan also becomes doubtful as the appellant or his counsel never supplied any information to the respondents in order to ascertain the facts from records.

In this view of the matter, I do not find an error much less perversity in the impugned judgments warranting intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

FEBRUARY 28, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no