

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

**RSA-2890 of 2018 (O&M)
Date of Order: 14.07.2023**

Harjant Singh @ Harjit Singh

.Appellant

Versus

Sukhwant Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Rajinder Sharma, Advocate
for the appellant.**

ANIL KSHETARPAL, J

1. Through this appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below, while dismissing his suit for the grant of decree of declaration filed under Section 45 of the Punjab Land Revenue Act to declare an entry in the column no.5 of the jamabandi. The plaintiff, while claiming that the suit land is owned by the government, claims to be in its possession continuously for 30 years. It is claimed that the change of entry in favour of the defendant is illegal.

2. While contesting the suit, the defendant has submitted that the plaintiff entered into a settlement deed on 10.06.2003, while agreeing to get the entry in the revenue record changed in favour of the plaintiff.

3. The trial Court, after recording a finding that the plaintiff while appearing in evidence admitted the execution of the settlement dated 10.06.2003, dismissed the suit. The First Appellate Court found that not only the settlement deed has been proved but even the defendant has proved that the provincial government executed the conveyance deed on 27.06.2008 in his favour and therefore, he is owner in possession.

4. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.

5. The learned counsel representing the appellant submits that the settlement deed being an unregistered document is not admissible in evidence. He further submits that both the courts have erred in placing reliance on Ex.D1/A (settlement dated 10.06.2003).

6. This Court has considered the submissions.

7. The settlement deed dated 10.06.2003 is not with respect to the transfer of ownership from the plaintiff in favour of the defendant. As admitted by the plaintiff, the property in dispute was under the ownership of provincial government which has been transferred in favour of the defendant by a conveyance deed. There was an entry in the column of possession of the jamabandi in favour of the plaintiff. By a settlement deed executed on 10.06.2003, the plaintiff acknowledged that the defendant is, in fact, in possession and he has no objection if the entry is corrected. Such settlement deed is not required to be registered as it does not amount to assignment of immovable property.

8. Hence, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

July 14, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO