

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

1. RSA-907-1990 (O&M)
Date of decision: 21.02.2024

KARNAIL SINGH (DECEASED) THROUGH LRS ..Appellant
Versus

BHALJIT SINGH & ORS. ..Respondents

2. RSA-1967-1990 (O&M)

KEHAR SINGH ..Appellant
Versus

BHALJIT SINGH & ORS. ..Respondents

3. RSA-2436-1990 (O&M)

KARNAIL SINGH (DECEASED) THROUGH LRS ..Appellant
Versus

BHALJIT SINGH & ORS. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S. Dhami, Advocate for the appellant
(in RSA-907-1990 & RSA-1967-1990).

Mr. P.P.S. Doabia, Advocate for respondent-Bhaljit Singh.

ANIL KSHETARPAL, J(Oral)

1. These three connected regular second appeals have been filed against the judgments passed in three different suits filed by the parties for grant of decree of permanent injunction. Sh. Bhaljit Singh (the respondent No.1 herein) son of Sh. Kartar Singh filed a suit for decree of permanent injunction while restraining the defendants from interfering in his possession of 74 kanal and 16 marlas land, which was purchased by him for Rs.15,000/- in a restricted auction held on 27.03.1984 under Punjab Package Deal properties (Disposal) Rules, 1976, which was payable in 20 installments. Ultimately, the highest bid offered by Sh. Bhaljit Singh was accepted and the

sale was confirmed. He was put in possession of the property on 14.06.1984.

He prayed for grant of decree of permanent injunction.

2. On the other hand, the appellants filed two different suits for grant of decree of permanent injunction. They claim that the plaintiff Sh. Bhaljit Singh has never purchased the property and they continue to be in possession of the property as *Gair Marusi* on payment of lease money equivalent to 20 times of the amount of the land revenue. The trial Court dismissed the suit filed by Sh. Bhaljit Singh on the ground that he failed to prove delivery of actual possession pursuant to the allotment. Three different appeals were filed before the First Appellate Court. The First Appellate Court on reappreciation of evidence came to conclusion that Sh. Bhaljit Singh was delivered possession of the land, which was purchased by him through *Rapat Roznamchas* (daily diary reports) Ex.P-1 and Ex.P-2. The First Appellate Court also found that the appellants failed to prove that they are in possession of the property as lessee. Thus, the first appeals filed by Sh. Bhaljit Singh were accepted.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with requisitioned record.

4. The learned counsel representing the appellant contends that in the revenue record, the defendants (appellants herein) are recorded to be in possession of the property, which carries presumption of correctness, hence, the First Appellate Court has erred in accepting the appeals.

5. On the other hand, the learned counsel representing the respondent submits that there is an un rebuttable evidence in the shape of two

daily diary reports (Ex.P-1 and Ex.P-2) proving delivery of possession of the land purchased by Sh. Bhaljit Singh in a public auction. He submits that the appellants have failed to prove that they were ever inducted as lessees in the suit property.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. Originally, the property was owned by Provincial Government. It is not the case of the appellants that they were inducted as tenant by the Government. The entries in the revenue records carries rebuttable presumption. The lease can be created either by a bilateral contract or it can be a creation of statute. The appellants have failed to prove that they were ever inducted as tenant by a bilateral contract or they were statutory tenants under a particular provisions of the statute. Moreover, there is no evidence of payment of any lease money to the Government or anyone else. Still further, Ex.P-1 and Ex.P-2 proves the delivery of possession to Sh. Bhaljit Singh after he purchased the suit property in public auction. These documents are part of public record maintained by the government. He is claiming injunction only with respect to the land, which was purchased by him in public auction.

8. Keeping in view the aforesaid discussion, no ground to interfere is made out.

9. Hence, all the three appeals are dismissed.

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

February 21st, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No