

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

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2024:PHHC:013039

**RSA-2011-1994 (O&M)
Date of decision: 31.01.2024**

LACHHMAN SINGH **..Appellant**

Versus

JAGIR SINGH **..Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satyam Arora, Advocate
for Mr. C.M. Munjal, Advocate
for the appellant.

Mr. Sandeep Punchhi, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. In this second appeal, the plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court while dismissing his suit. Though, the trial Court decreed the suit, however, the First Appellate Court reversed the same. In the ownership column of the revenue record, the suit land is owned by provincial government. The plaintiff filed a suit on the basis of the entries i.e. Rabi-1987 to 1990 in the khasra girdawari. The trial Court decreed the suit to the extent of 8 kanal land while restraining the defendant from forcibly dispossessing the plaintiff, however, a local commissioner was appointed, who on visiting the land came to a conclusion that no cultivation of the land is possible because it is a marshy land (*sailaba*). The First Appellate Court also finds that the stray entry in favour of the plaintiff in the khasra girdwari has also been corrected by the competent authority.

2. The learned counsel representing the appellant contends that the First Appellate Court has erred in reversing the judgment of the trial Court and his suit to the extent of 8 kanal land was required to be decreed. He submits that the correction in the revenue record during the pendency of the suit is not binding.

3. On the other hand, the learned counsel representing the respondent submits that there was stray entry in the revenue record in favour of the plaintiff, which was found to be incorrect and subsequently corrected. He submits that the plaintiff has failed to prove his possession.

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

5. As is evident, the First Appellate Court in order to have first hand information about the status of the land, appointed a local commissioner to submit report. The local commissioner on visiting the land found it uncultivable and not fit for agricultural purposes. Moreover, the revenue authorities ordered correction of the revenue record after the survey of the land. Though, the orders passed by the revenue authorities during the pendency of the suit is not binding, however, the plaintiff was required to stand on his own legs.

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

8. Dismissed accordingly.

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

January 31st, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No