

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

RSA-3162-1994 (O&M)
Date of decision: 31.01.2024

DATA RAM

..Appellant

Versus

RATTI RAM

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Sr. Advocate
with Mr. Varun Prakash, Advocate
for the appellant.

Mr. Manuj Chadha, Advocate
and Mr. Haripal, Advocate
for respondent..

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the plaintiff assails the correctness of the judgment and decree passed by the First Appellate Court, which in turn has reversed the judgment and decree passed by the trial Court resultantly, the plaintiff's suit for grant of decree of declaration that he is in possession of the property as tenant and defendant should be restrained from dispossessing him, has been dismissed. It is the case of the plaintiff that he is in possession of the land as tenant at the rate of Rs.4/- per year. The defendant while contesting the suit claims that he is in possession of land bearing Rectangle No.150, Killa No.24/1 (2 kanal and 14 marlas), which has been purchased for a valuable consideration vide registered sale deed dated 19.07.1985. The trial Court decreed the plaintiff's suit. The First Appellate Court noted that the dispute is with respect to the land comprised in Khasra No.24/1.

2. On a careful examination of the revenue record, the First Appellate Court found that the plaintiff is not in possession of the property as tenant. In fact, the entry is in favour of Sh. Gugan Singh in the column of the cultivation through the plaintiff. In other words, the plaintiff is either an agent or representative of Sh. Gugan Singh or a sub-tenant. Thus, the plaintiff has failed to prove the tenancy rights in his favour. Thus, the First Appellate Court reversed the judgment of the trial Court.

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

4. The learned counsel representing the appellant contends that the entry in favour of the appellant is continuing from 1967-68 and therefore, any change in revenue entry is without jurisdiction. He submits that First Appellate Court has erred in reversing the judgment of the trial Court.

5. On the other hand, the learned counsel representing the respondent submits that Sh. Ratti Ram purchased the property by a registered sale deed and from crop Kharif-1987. The suit land is recorded in his possession.

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

7. The learned counsel representing the appellant does not dispute that in the revenue record Sh. Gugan Singh is recorded to be tenant in the suit land and the appellant's name is recorded in possession as sub-tenant or representative of Sh. Gugan Singh. Thus, the plaintiff is not recorded as tenant in the revenue record. The tenancy can be a result of either a bilateral contract between the parties or under a particular statute. In this case, the

plaintiff has not produced any other evidence except revenue record to prove his tenancy under Sh. Gugan Singh. Furthermore, the revenue record has presumption of correctness, however, Sh. Ratti Ram-defendant has purchased the property by a registered sale deed and he is recorded in possession since crop Kharif-1987. Furthermore, the plaintiff has not produced any evidence to prove either the payment of the electricity bill of a tubewell or sale of the agricultural produce in the grain market by producing ‘J Forms’.

8. The First Appellate Court on appreciation of the evidence has recorded a finding of fact, which is not proved to be suffering from perversity.

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

10. Dismissed accordingly.

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

January 31st, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No