

2025:PHHC:154423



[140] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-443-2024 (O&M)

Date of Decision : 10.11.2025

Surinder Kumar and others ...Appellants

versus

Gurbachan Singh (since deceased)

through his LRs and othersRespondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Arun Takhi, Advocate for the appellants.

PANKAJ JAIN, J. (ORAL)

[1] The plaintiff filed a suit for declaration seeking correction in mutation bearing No.1631 dated 04.08.1962 in the name of fathers of the defendants in equal share along with the plaintiff's father, claiming that the father of the plaintiff was entitled to get $\frac{1}{2}$ share of land mutated in his name in terms of sale deed dated 13.06.1962 and the remaining $\frac{1}{2}$ share needs to be mutated in the name of fathers of defendants and the revenue record accordingly needs to be corrected.

[2] The Civil Suit filed by the plaintiff was dismissed by the learned Trial Court merely on the ground that the plaintiff did not claim that the entire estate of his father devolved upon him.

[3] In appeal preferred by the plaintiff, the findings recorded by the learned Trial Court stands reversed. The learned Lower Appellate Court relied upon registered sale deed to observe as under:-

"13. Perusal of the above discussed evidence led by the parties shows that vide sale deed dated 13.06.1962 Ex.P7 Rattan Singh

father of the plaintiff, Mohan Singh father of defendants No.1 to 3 and Joga Singh father of defendants No.4 to 6 jointly purchased the suit land measuring 12 kanals 7 marlas from Jagra @ Jagan Nath for consideration of Rs.1275/-. Ex.P7 is certified copy of this sale deed dated 13.06.1962 which is in Urdu and Punjabi translation thereof Ex.P6 which has been proved by PW4 Gurnam Singh retired Kanungo. Perusal of this sale deed shows that thereby the suit land was purchased by Rattan Singh to the extent of 1/2 share and Mohan Singh and Joga Singh to the extent of 1/2 share in equal shares. Thus it is evident that Rattan Singh had 1/2 share in the suit land. Further Ex.P4 is of copy of jamabandi for the year 1966-67, with which copy of mutation No.1513 dated 15.03.1963 is attached. Perusal of the same shows that on the basis of sale deed dated 13.06.1962 mutation of the suit land measuring 12 kanals 7 marlas was entered and sanctioned in favour of Rattan Singh, Mohan Singh and Joga Singh in equal shares. Thus it is evident that instead of 1/2 share in the suit land measuring 12 kanals 7 marlas mutation was entered and sanctioned in favour of Rattan Singh to the extent of 1/3 share only and remaining 2/3 share in the suit land was mutated in the name of Mohan Singh and Joga Singh in equal shares instead of 1/2 share in equal shares. It is evident that mutation No.1513 was entered wrongly and it does not depict correct position as per sale deed dated 13.06.1962 Ex.P7.

14. *Ex.P1, Ex.P4 and Ex.D1 are copies of jamabandi for the year 2011-12 and Ex.D2 is copy of Khasra Girdawari for the crop of Sauni 2016 to Haari 2017 and therein also Rattan Singh is recorded as co-sharer in joint possession of 1/3 share in the suit land and remaining 2/3 share in the suit land is recorded in the name of defendants No.1 to 6, who are legal heirs of above said Mohan Singh and Joga Singh. This error cropped up for the first time at the time of sanctioning of mutation Ex.P5 is continuing in revenue record since then. Further in jamabandi for the year 2011-12 there is entry of mutation No.2357 dated 7.06.2013 of inheritance of Rattan Singh in favour of plaintiff Gurbachan Singh. It is the case of the plaintiff that he came to know about this error in the revenue record after sanctioning of mutation of inheritance of his father Gurbachan Singh in his favour. Further it is specific case of the plaintiff that during his life time Rattan Singh remained in cultivating possession of 1/2 share of the suit land and after death of Rattan Singh, he is in cultivating possession of the suit land to the extent of 1/2 share. The plaintiff brought on record site plan*

Ex.P3 which has been proved by PW3 Surinder Singh draftsman showing portion of the land in possession of the plaintiff in green colour and portion of the land in possession of the defendants in yellow colour. DW1 Harvinder Singh defendant No.6 stated in his cross examination, that in the land which is shown in green colour in the site plan Gurbachan Singh has planted Safeda trees and the land which is shown in yellow colour in the site plan Ex.P3 is of the defendants. He further stated that he did not know if in the suit land Rattan Singh had purchased 1/2 share and Mohan Singh and Joga Singh had purchased remaining 1/2 share. He further stated that it is correct that in the land which was purchased from Jagan Nath @ Jaggra, Rattan Singh had 1/2 share and the defendants have remaining 1/2 share. He feigned ignorance that mutation of the suit land has been wrongly sanctioned to the extent of 1/3 share in favour of the plaintiff and 1/3 share each in favour of the defendants which is not correct as per the sale deed. That he did not know if mutation of the suit land was wrongly sanctioned.

15. *Thus, from cross examination of DW1 Harvinder Singh also it is made out that the plaintiff is continuing in possession of 1/2 share of the suit land and mutation Ex.P5 was wrongly sanctioned to the extent of 1/3 share in favour of Rattan Singh. Therefore, the revenue record is liable to be rectified and mistake which cropped up at the time of sanctioning of mutation No.1513 Ex.P5 is required to be corrected as per share of Rattan Singh father of the plaintiff as well as Mohan Singh and Joga Singh father of defendants No.1 to 6 in accordance with the sale deed dated 13.06.1962 Ex.P7. It is pertinent to mention here that in the plaint number of mutation is recorded as 1631 dated 4.08.2962/13.06.1962, which is actually mutation No.1513 dated 15.03.1963 sanctioned on the basis of sale deed dated 13.06.1962 as is evident from copy of mutation Ex. P5.”*

[4] During the course of arguments before this Court, Registry was directed to get sale deed (Exhibit P-7) translated, as the same forms the bedrock of the rights to both the parties. The sale deed dated 13.06.1962 has been translated by the Translation Department of this Court. As per the

property. However, at the time of mutation, the same was wrongly recorded as 1/3rd share.

[5] Mr. Takhi, counsel for the appellants, is not in a position to dispute the aforesaid facts.

[6] In view thereof, this Court finds that the learned lower Appellate Court rightly reversed the findings recorded by the learned Trial Court and ordered that the revenue record be corrected in terms of sale deed dated 13.06.1962.

[7] Pure findings of facts have been recorded after correct appreciation of evidence on record. Finding no merits in the present regular second appeal. The same is ordered to be **dismissed**.

[8] All pending miscellaneous application(s), if any, stands *disposed off*.

(PANKAJ JAIN)
JUDGE

10.11.2025
'R. Sharma'

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