IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-676-2025(O&M)
Date of decision: 17.07.2025

Gurbhej Singh & Others

...Appellant(s)

Vs.

Dildar Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. L.M. Gulati, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present second appeal has been filed by the defendants No.1 to 4 against the concurrent judgments and decrees of the learned Courts below whereby the suit filed by the plaintiffs/respondents No.1 to 3 herein, seeking a declaration under Section 45 of the Punjab Land Revenue Act (hereinafter referred to as "the Act") to the effect that the entries in the name of the defendants in the column of ownership and possession qua suit land as described in the headnote of the plaint as per Jamabandi for the year 2008-09 are wrong, illegal, null and void; and also for correction of Jamabandi incorporating the name of plaintiffs for the year 2008-09 to be owner in possession to the extent of 1/9th share with a consequential relief of permanent injunction, has been decreed by both the Courts below.

2. The short ground on which the appellants/defendants No.1 to 4 lay challenge to the impugned judgments is that the suit of the plaintiff was barred by limitation. It is submitted that the previous decree in favour of the plaintiffs was of dated 17.04.1993 whereas the present suit came to be filed only in December 2013. It is submitted that if correction is sought in the Jamabandi 2008-09, even then the suit was beyond limitation. However, this fact has not been considered at all by the learned Courts below while passing the impugned judgments and decrees; and accordingly, the same deserve to be set aside.

3. No other argument is made on behalf of the appellants.

4. I have heard learned counsel and perused the case file in great detail. I find no merit in the submission made on behalf of the appellants.

5. Brief facts of the case are that the plaintiffs had previously filed a Civil Suit for declaration that the plaintiffs are owners in possession of the suit property. The said Civil Suit was decreed vide judgment and decree dated 17.04.1993 (Ex.P-4). It has been submitted by the learned counsel for the appellants that the present suit seeking correction of the revenue entries on the basis of the said decree dated 17.04.1993 was barred by limitation as correction of entries in terms of Section 45 of the Act could only have been made within a period of 3 years. However, admittedly, the first appeal filed against the judgment dated 17.4.1993 was dismissed by the learned Additional District Judge. Even the second appeal preferred by the

predecessor-in-interest of the present appellants was dismissed by this Court. Therefore, the said decree dated 17.04.1993 (Ex.P4) had attained finality; and therefore, the question regarding plaintiffs being co-owner in joint possession cannot be reopened. In view of the fact that the plaintiffs stood declared as owners in possession of the suit property, correction in revenue entries was required to be made.

6. Further, following issues were framed:-

> *"1. Whether the suit of the plaintiffs are entitled for under Section 45 of the Punjab Land Revenue Act as prayed for? OPP*
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> *1-A. Whether the plaintiffs are entitled for alternative relief of joint possession? OPP*
>
> *1-B. Whether the plaintiffs are entitled for permanent injunction as prayed for?OPP*
>
> *2 . Whether the suit of the plaintiffs have got no locus standi to file the present suit? OPD*
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> *3. Whether the plaintiffs have got no cause of action to file the present suit against the defendants? OPD*
>
> *4. Whether the suit of the plaintiffs is not maintainable against the defendants? OPD*
>
> *5. Whether the suit of plaintiffs are estopped by their own act and conduct from filing the present suit? OPD*
>
> *6. Whether the suit of the plaintiffs is hopelessly time barred? OPD*
>
> *7. Whether the plaintiffs have not come to the court with clean hands and they have suppressed the true and material facts from this court? OPD*

8. Whether the suit of the plaintiffs are not properly valued for the purposes of court fees and jurisdiction ? OPD

9. Whether the suit of the plaintiffs is bad for non-joinder and mis joinder of necessary parties? OPD

10. Relief."

7. Findings of the learned trial Court on issue No.6 are relevant, which read as follows:-

> *"31. Onus to prove this issue was upon defendants. Defendants have contended in their pleadings that in the suit of the plaintiffs is hopelessly time barred as decree dated: 17.04.1993 was not implemented within the period of 12 years but said contention is not sustainable as the right of the plaintiffs in the suit property have been established by the declaratory decree of civil court which is binding to the defendants and their successors in interest until same is not set aside. As such no limitation applies to the present suit. The entries in the revenue record may be rectified on the basis of decree. Hence, this issue is decided against the defendants and in favour of the plaintiffs."*

8. Moreover, incorrect revenue entries borne in the names of the appellants which are contrary to the decree would constitute a recurring cause of action in favour of the plaintiffs. For this reason, as well, the suit could not be held to be barred by limitation.

9. I am also in agreement with the observations of the learned Additional District Judge, Amritsar as contained in para 20 of the judgment

dated 08.01.2025 whereby first appeal of the appellants has been dismissed, which reads as follows:-

> *"20) Vide the decree dated 17-04-1993 Ex. P4, learned Civil Judge has not given any such relief which was required to be obtained by getting the decree executed and the decree was in itself the final relief. Thus, the question of application of law of limitation does not arise. The revenue record is prepared for fiscal purposes only and entires of revenue record does not confer any title nor there was any such legal requirement of incorporation of decree in the revenue record. The only object of the getting mutation sanctioned is that in common parlance the revenue record is considered as proof of ownership and people sale and purchase land relying upon those entries. This court is of the considered opinion that revenue authorities were bound to give effect to the decree of the civil court which has been upheld upto the level of Hon'ble High Court."*

10. I find myself in complete agreement with the above said reasoning of both the Courts below. As such, no ground is made out to interfere in the concurrent Judgments and decrees of the Courts below. Accordingly, the present appeal is **dismissed.**

11. Pending application(s) if any also stand(s) disposed of.

17.07.2025 **(Nidhi Gupta)**
Sunena **Judge**

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