



**RSA-327-1999**

**-1-**

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

**212**

**RSA-327-1999**

**Date of decision:14.07.2025**

**JASKIRAT KAUR**

**...APPELLANT**

**VS.**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. H.S. Dhandi, Advocate  
for the appellant.

Mr. Kanav Singla, AAG, Punjab.

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**SUVIR SEHGAL, J.**

1. Aggrieved of concurrent finding recorded by the two Courts, appellant/plaintiff has filed the instant second appeal before this Court.

2. Pleaded case of the plaintiff is that she is in cultivating possession of 80 bighas 14 biswas agricultural land in Village Chamaru, Tehsil Rajpura, District Patiala. She had planted paddy in the suit land in kharif 1990 and had made an expenditure of Rs.3,000/- per four bigha on the urea, fertilizer etc. besides labour charges. The land which is near SYL Canal, was likely to yield a good crop. There were some breaches and ditches in the canal, which were never filled by the officials of the SYL Canal Project. The agricultural field got flooded after heavy rain on

**RSA-327-1999****-2-**

07.08.1990 with water upto 06 feet high for more than two days and the entire paddy crop was destroyed. Plaintiff claims to have suffered damages to the extent of Rs.1,10,000/- on account of the negligence of the defendants. Claiming damages of Rs.96,840/- at the rate of Rs.1200/- per bigha, she filed a suit for recovery against the defendants. Upon being served, defendants contested the suit by filing a written statement by taking various preliminary objections. Denying their liability, they took a stand that the loss deserves to be assessed and paid by the revenue department. Plaintiff filed a replication reiterating the stand taken in the plaint. On the basis of the pleadings of the parties, Trial Court framed issues. After the parties led evidence and were heard, Trial Court dismissed the suit by judgment and decree dated 21.12.1995. Plaintiff remained unsuccessful in the first appeal, which was rejected by the learned Additional District Judge, Patiala, vide judgment dated 09.09.1998, resulting in the institution of the present appeal.

3. Mr. H.S. Dhandi, counsel for the appellant, has argued that the defendants are liable to compensate the plaintiff for the damage caused due to negligence.

4. On the other hand, per contra, learned State counsel has supported the judgments passed by the Courts below and asserts that revenue authority had assessed the loss for the damage caused to the crop and has disbursed the compensation to the farmers.

5. I have heard counsel for the parties and considered their respective submissions besides analyzing the requisitioned record.

**RSA-327-1999****-3-**

6. From the evidence led by the parties, it stands established on the record that the plaintiff was the owner of the suit land and during kharif crop, 1990, she had planted paddy. There was incessant rain fall in the month of August, 1990. Due to the flooding, agricultural fields were inundated and crop was damaged. There is no proof to show that the flooding took place due to the breaches in the canal. Evidence led by defendants shows that SYL canal was in a state of dis-use. Deposition of Mr. M.R. Verma, SDO, SYL, Rajpura, DW-2 that canal had breaches and was never repaired by the government cannot lead to the conclusion that plaintiff's land was engulfed due to breaches in the overflowing canal. Evidence shows that fields were immersed in water due to unrelenting rain.

7. Girdari Lal (PW-2), Sub Divisional Clerk, SDO, Sarala Construction, Patiala deposed that department had assessed a compensation for destruction of crop in village Chamaru and payment was made to the land-owners vide voucher Ex.P1. He categorically stated that this voucher contains the names of the proprietors of the village and details of the payment made. Harpreet Singh, PW1, Special Power of Attorney of the plaintiff, admitted that compensation for the damaged crop was assessed by the revenue department and an application was submitted to the SDM. In his cross-examination, he admitted that he refused to accept the assessed amount as it was meager. He, however, admitted that compensation amount was disbursed to other land owners of village Chamaru and other adjoining villages. Plaintiff has failed to prove that officials of the SYL Canal were negligent or are liable to pay damages for the destruction of the paddy crop

**RSA-327-1999****-4-**

for kharif 1990. Revenue department computed the loss caused to the crops due to rains and paid compensation to the farmers, but plaintiff has declined to accept it. This Court does not find any illegality or infirmity in the judgments passed by the Courts below, which are affirmed.

8. Finding no merit in the appeal, it is dismissed with no order as to costs.

14.07.2025

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |