



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1408-2021 (O&M)
Date of decision: 22.09.2025

Ranbir Singh

...Appellant

Versus

Bhupinder Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Abhishek Batta, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

Mr. Abhishek Batta, Advocate has put in appearance on behalf of the appellant and filed fresh Power of Attorney, which is taken on record.

2. Plaintiff of the case is before this Court against the concurrent findings of the Courts below. Suit for declaration filed by the plaintiff was dismissed by the trial Court on 25.09.2017 and appeal filed by him was dismissed by the First Appellate Court on 30.08.2019, thus affirming the findings of the trial Court.

3. As per the case of the plaintiff-appellant, he is a tenant in the suit property, which was owned by Saravjit Singh son of Sadhu Singh son of Sarmukh Singh. It was alleged that said owner Saravjit Singh was still alive, but the defendants (*respondents herein*) by claiming to be legal heirs of the owner and by contending that the owner had died, got mutation No.152 sanctioned in their favour. The said mutation has been upheld by the Financial Commissioner (Appeals), Punjab vide order dated 08.08.2007. Plaintiff sought declaration that said order dated 08.08.2007 of the Financial Commissioner was illegal and void.

4. Defendants contested the suit by pleading that plaintiff had no *locus standi* to challenge the mutation, he being only the tenant. It was further pleaded that owner of the land - Saravjit Singh had expired on



24.03.1990 in United State of America, regarding which death certificate was also produced. It was contended that mutation had been rightly sanctioned.

5. After framing issues and taking evidence, the trial Court dismissed the suit and the First Appellate Court affirmed the findings.

6. Assailing the concurrent findings, it is contended by learned counsel that original owner - Saravjit Singh is still alive and therefore, mutation has been wrongly sanctioned in favour of the defendants-respondents.

7. To the specific query raised by this Court that in case, the owner of the land in dispute namely Saravjit Singh son of Sadhu Singh was still alive, why he was not impleaded as a party to this litigation and why he was not produced as a witness by the plaintiff, the learned counsel was at loss of words.

8. In the aforesaid circumstances, this Court does not find merit in the appeal. In case, the owner - Saravjit Singh was alive as is contended by the appellant, he would have been impleaded as a party to the suit to affirm the claim of the plaintiff-appellant. At least, the plaintiff could have examined said Saravjit Singh in the witness box.

9. In the aforesaid circumstances, this Court does not find any ground to disturb the concurrent findings of facts as recorded by the Courts below, which are found to be based upon proper appreciation of evidence on record.

10. As such, finding the present appeal to be devoid of any merit, the same is hereby dismissed.

22.09.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No