IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221 **RSA-4850-2001**
Date of decision :12.11.2025

TUHI RAM AND OTHERS ... APPELLANTS

VERSUS

JAI BHAGWAN AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ram Avtar Sheoran, Advocate
for the appellants.

****

PARMOD GOYAL, J.

1. The unsuccessful plaintiffs–appellants are aggrieved by the impugned judgment and decree dated 24.07.1997 passed by the Additional Civil Judge (Senior Division), Bhiwani, whereby the suit for declaration filed by the plaintiffs–appellants were dismissed, as well as by the judgment and decree dated 20.08.2001 passed by the First Appellate Court (Additional District Judge, Bhiwani), whereby the first appeal was also dismissed.

2. The plaintiffs–appellants, through their suit for declaration, challenged the existing entries in the jamabandis and sought correction thereof. As per the jamabandi for the year 1964–65, it was the case of the plaintiffs–appellants that they, along with the proforma defendants, have been in cultivating possession of the suit land since the time of their ancestors on (chakota) rent of ₹32/- per annum. However, the defendants, without giving any notice to the appellants-plaintiffs, got the revenue entries changed and altered the rent column from chakota ₹32/- per annum to *batai tihai*. The plaintiffs–appellants accordingly sought a declaration that the entries in the revenue records showing the rent as

batai tihai are illegal, void, and not binding upon them.

3. The proforma defendants admitted the claim of the appellants-plaintiffs by filing their written statements. Defendant Nos. 1 to 7, however, raised several preliminary objections. They asserted that the father of the plaintiffs, namely Richhpal, had been in cultivating possession of the suit land on batai tihai (i.e., one-third share of the produce) from the very beginning. It was pleaded that during consolidation proceedings, the rent was erroneously recorded as chakota money at the rate of ₹2/- per bigha, but after completion of consolidation, the mistake was corrected and the cultivation of the defendants was duly recorded on the basis of batai tihai (1/3rd share of the produce), which, according to them, was the correct entry. Accordingly, dismissal of the suit was prayed for.

4. From the pleadings of the parties, following issues were framed:

> *1. Whether the entries in the jamabandi for the year 1964-65 and khasra girdawari entries from 1965 to upto day showing the possession of plaintiffs over the land in dispute of 1/3rd batai are wrong, illegal, null and void and the same are liable to be ignored on the grounds taken in the plaint? OPP.*
> *2. Whether the plaintiffs are in possession of land in dispute on annual chakota of Rs.32/-, if so its effect? OPP.*
> *3. Whether the plaintiffs have no locus-standi to file and maintain the suit? OPD.*
> *4. Whether the suit is not maintainable in the present form? OPD.*
> *5. Whether the suit is not bad for non-joinder and mis-joinder of necessary parties? OPD.*
> *6. Whether the suit is time barred? OPD.*
> *7. Whether the suit is false, frivolous and the defendants are entitled to special costs? OPD.*
> *8. Relief.”*

5. The learned Court of first instance decided Issue Nos. 1 and 2 against

the plaintiffs-appellants. Issue Nos. 3, 4 and 5 were decided against the defendants, while Issue No. 6 was decided in favour of the defendants. Consequently, the suit was dismissed. The First Appellate Court affirmed the findings recorded by the learned trial Court and dismissed the first appeal as well.

6. From the evidence led by both parties, it stands admitted and proved that since Kharif 1965, the plaintiffs have been recorded in cultivating possession on rent equivalent to one-third of the produce. However, by filing the present suit in 1990, the plaintiffs–appellants sought correction of the revenue entries on the plea that the suit land was being cultivated by them on payment of *chakota* money of ₹32/- per annum only. The plaintiffs-appellants simple case is that no notice was given to them at the time when the said entries were corrected after consolidation proceedings.

7. Learned counsel for the appellants has argued that in the earlier jamabandies, the cultivating possession of the plaintiffs was shown on the basis of payment of chakota money, which was lastly enhanced in the year 1956–57 to ₹2/- per bigha, i.e., ₹32/- per annum. The factual aspects are not in dispute: earlier the land was recorded as being held on chakota rent; however, after the year 1964–65, the land has consistently been shown as held on rent of one-third of the produce (batai tihai). Since 1964–65, and in all subsequent jamabandies, the rent has been recorded as batai tihai. This fact is evident from the jamabandies for the years 1967–68, 1972–73, 1977–78, and thereafter, even following the death of Richhpal Singh, father of the plaintiffs, the plaintiffs continued to be shown as tenants liable to pay rent in the form of one-third share of the produce.

8. There is no dispute between the parties regarding the fact that the plaintiffs have been paying rent to the defendants. For nearly 26 years prior to filing the suit, the revenue entries consistently recorded the rent as equivalent to

one-third of the produce.

9. It is also not in dispute that consolidation took place in the year 1962–63, and new khasra numbers were allotted in 1964–65. The first jamabandi prepared after allotment of the new khasra numbers stood in the name of Richhpal Singh, father of the plaintiffs–appellants and the proforma defendants, wherein his cultivating possession was recorded as that of a tenant on batai tihai (one-third of the produce). The relationship of landlord and tenant is governed by the terms of agreement or contract between the parties. Merely because prior to consolidation the land was held on chakota of ₹32/- per annum, and subsequently after consolidation new khasra numbers were allotted wherein the rent was recorded as one-third of the produce, it cannot be presumed that the change in entries was a mere clerical correction. Rather, this change indicates that it was a matter of agreement between the parties regarding the rate of rent. With the allotment of new land in lieu of old land after consolidation, the parties may have mutually agreed to revise the rent. The onus to prove anything contrary to what stands recorded in the jamabandies squarely rested upon the plaintiffs–appellants.

10. In the present case, the plaintiffs–appellants have failed to produce any evidence to show that at any point during more than 26 years—either during the lifetime of their father or thereafter they ever challenged the entries recorded in the revenue documents. It is significant that the entries were not changed abruptly; rather, they changed contemporaneously with the allotment of new khasra numbers. Once new khasra numbers were allotted, it cannot be believed, as asserted by the plaintiffs–appellants, that they had no knowledge of the revenue entries. Moreover no record showing payment of chakota money i.e. Rs. 32/- from 1964 to 1990 has been produced by plaintiffs-appellants.

11. Both the Courts below have rightly concluded, on due appreciation

of the evidence led by both sides, that the plaintiffs–appellants have no case. The findings being pure findings of fact cannot be interfered with by this Court in the absence of any substantial question of law. No interference is warranted. The appeal is accordingly dismissed.

12.11.2025 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No