

RA-RS-24 of 2024 (O&M) in
RSA No.1701 of 2023

Jagjit Singh and others vs. Ritu Bala and another

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Raghav Gulati, Advocate
Mr. Varun Sharma, Advocate
for the review-applicants/appellants

Mr. V.K.Jindal, Sr. Advocate, with
Mr. Sandeep Jain, Advocate
Mr. Sachin Jain, Advocate
Mr. Vijayveer Singh, Advocate
for the non-applicant/respondents.

I. **FACTUAL BACKGROUND AND ARGUMENTS:-**

1. Heard the learned counsel representing the parties in the review application.
2. First of all, there are typographical errors in the judgment which are corrected as under:-

“2. *It is undisputed that the plaintiffs (respondents herein) purchased 17 marlas plot comprised in khasra no.3983 and 5679/3984 through the registered sale deed dated 31.05.2010, from Smt. Aruna Aggarwal wife of Sh. Surender Aggarwal. Whereas, appellant no.3 and her husband Joginder Singh purchased plot measuring 13 marlas out of land comprised in khasra nos.3983 and 5679/3984 from Smt. Soma widow of Naranjan Singh vide sale deed dated 18.02.1994.*

4. *Upon appreciation of the evidence, both the courts decreed the suit. It has been found that the defendants have only purchased plot measuring 13 marlas out of land comprised in khasra nos.3983 and 5679/3984, vide sale deed dated 18.02.1994, whereas they are in*

possession of more than 10854 square feet area.

11. *The sale deed executed by Smt. Soma in favour of Sh. Joginder Singh and Sh. Bachan Kaur (appellant no.3) has been produced. It is evident that the defendants have purchased plot measuring 40 feetx60 feet comprised in khasra nos. 3983 and 5679/3984 and they are in possession of land more than their entitlement.*

13. *....It is evident that the defendants have produced only 5 sale deeds and that also with respect to the land of different khasra numbers from the suit property.”*

3. The learned senior counsel representing the review-applicants-appellants has submitted that this court has overlooked that the review-applicants-appellants purchased various parcels of land measuring 3 kanals and 10 marlas through the following sale deeds:-

“i. *Sale deed dated 08.11.1993 Ex.D-60 in respect of 10 Marlas plot situated in Khasra no.9164/5692/4023/2-3, 9162/5692/4023/0-14 and 9163/5692/4023/0-14 by Soma in favour of Joginder Singh son of Bhagat Singh.*

ii. *Sale deed dated 26.07.1993 Ex.D-61 in respect of 6 Marlas plot situated in Khasra No. 9164/5692/4023/2-3, 9162/5692/4023/0-14 and 9163/5692/4023/0-13 by Soma in favour of Joginder Singh son of Bhagat Singh and Bachan Kaur widow of Joginder Singh.*

iii. *Sale deed dated 12.11.1999 Ex.D-62 in respect of plot measuring 17 Marlas situated in Khasra no. 9164/5692/4023/2-3, 9162/5692/4023/0-14 and 9163/5692/4023/0-13 by Soma in favour of Jagjit Singh, Daljit Singh, Ranjit Singh, Kuldeep Singh sons of Joginder Singh.*

iv. *Sale deed dated 26.07.1993 Ex.D-65 in respect of plot measuring 8 Marlas situated in Khasra no.*

9164/5692/4023/2-3, 9162/5692/4023/0-14 and 9163/5692/4023/0-13 by Soma in favour of Joginder Singh and Smt. Bachan Kaur.

v. Sale deed dated 18.02.1994 Ex.D-71 in respect of plot measuring 13 Marlas situated in Khasra no. 9164/5692/4023/2-3, 9162/5692/4023/0-14 and 9163/5692/4023/0-13 by Soma in favour of Joginder Singh and Smt. Bachan Kaur.”

4. Whereas, this court has assumed that the review-applicants-appellants purchased only 13 marlas plot. He further submitted that the entire property is in a joint khewat, hence, unless there is partition, the suit filed by the plaintiff(s) was not maintainable.

II. ANALYSIS AND DISCUSSION:-

5. This court has considered the submissions of the learned counsel representing the parties.

6. It is evident that in the present case, the dispute is confined to the property comprised in khasra nos.3983 and 5679/3984. The review-applicants-appellants admittedly purchased only 13 marlas plot from these khasra numbers vide sale deed dated 18.02.1994, from Smt. Soma wife of Naranjan Singh. Hence, the purchase of various other parcels of land comprised in different khasra numbers, apart from khasra numbers 3983 and 5679/3984 would not come to the rescue of the review-applicants-appellants.

7. Once the land is utilized for residential/commercial property, concept of joint khata with reference to khewat number in the revenue record is not applicable. It is evident that the review-applicants-appellants themselves have constructed their house only on 13 marlas land comprised in khasra numbers 3983 and 5679/3984, as per the sale deed dated

18.02.1994. The review-applicants-appellants cannot claim that they are entitled to continue to enjoy the possession of the plot more than their entitlement in the suit property.

8. Hence, there is no substance in the review application.

III. **DECISION:-**

9. Dismissed.

10. However, it is directed that after removing the typographical errors, corrected judgment be uploaded and the incorrect version be removed from the website.

11. All the pending miscellaneous applications, if any, are also disposed of.

**14th July, 2025
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**(ANIL KSHETARPAL)
JUDGE**