

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

RSA-5005-2012 (O&M)

Date of decision : 03.02.2025

PURAN & ANR

....Appellants

Versus

RAMESH & ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Yash Paul Khullar, Advocate for the appellants.

Appeal *qua* respondent No.1 already stands
dismissed as withdrawn vide order dated 04.02.2015.

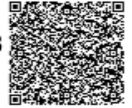
Mr. V.D. Sharma, Advocate for respondent No.2

PANKAJ JAIN, J. (ORAL)

Plaintiffs are in second appeal aggrieved of the judgments and decrees passed by the Courts below.

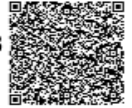
2. For convenience, the parties hereinafter are referred to by their original position in the suit i.e. the appellants as the plaintiffs and the respondents as the defendants.

3. Plaintiffs filed suit claiming that they have become owners in possession of the agricultural land as detailed out in the headnote of the plaint admeasuring 49 Kanals 15 Marlas. It was claimed that the defendants have no right, title or interest in the suit land. Defendants in collusion with



each other and with the officials of revenue staff without notice to the plaintiffs at their back got their names incorporated in the column of cultivation as *Bhondedar* and defendant No.2 got its name entered in the column of ownership.

4. Defendant No.1 was proceeded *ex parte*.
5. Suit was contested by defendant No.2 claiming that plaintiffs have no *locus standi* and cause of action to file the present suit. Defendant No.2 asserted that Gram Panchayat of village Sujwari is owner in possession of the land.
6. On the basis of the pleadings of the parties, following issues were framed :
 1. Whether the revenue entries are illegal, null and void and not binding on the rights of the plaintiffs qua the suit land? OPP.
 2. Whether the plaintiffs are entitled for decree for declaration as prayed for in the plaint? OPP.
 3. Whether the suit is not maintainable in the present form? OPD.
 4. Whether the suit is not within limitation? OPD.
 5. Whether the plaintiffs have no *locus standi* and cause of action and to file the present suit? OPD.
 6. Whether the plaintiffs have suppressed the material acts from the court? OPD.
 7. Relief.
7. In order to assert their possession, plaintiffs apart from leading ocular evidence relies upon judgment and decree passed in Civil Suit No.799



of 2003 titled as 'Pooran Singh etc. vs. Maya Devi' to claim that the suit filed by the plaintiffs seeking decree of declaration and permanent injunction against Maya Devi daughter of Gyasi was decreed and they have been declared as owners in possession of the suit land. Suit was decreed *ex parte* and the plaintiffs were declared joint owners in possession of the suit land.

8. Court of First Instance found that from the Revenue Record starting from *Jamabandi* for the year 1965-66 (Exhibit P-1) to Exhibit P-7 i.e. *Jamabandi* for the year 1993-94, none of the plaintiffs had ever been in possession of the suit land as *Bhondedars*. It is one Deep Chand son of Gadar, who is shown as *Bhondedar* over the suit land under Panchayat. On death of Deep Chand, Ramesh came in possession of the land as *Bhondedar* vide mutation No.1646 (Exhibit P-8). In the civil suits preferred by the plaintiffs, gram panchayat was never impleaded as party and is thus not binding on the rights of the Panchayat. The Courts below thus, dismissed the suit filed by the plaintiffs.

9. Counsel for the appellants has not been able to point out any piece of evidence that was misread or was ignored by the Courts below. Pure findings of facts have been recorded by the Courts below relying upon series of record of rights starting from the year 1965-66 till the year 1993-94 to hold defendant No.2 to be owner in possession of the suit land and defendant No.1 as *Bhondedar*.



11. Pending application(s), if any, shall also stand disposed off.

(Pankaj Jain)

Judge

Whether reportable : Yes/No