

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****244****Date of decision: 17.11.2025****RSA-3763-2016(O&M)****Ved Kanwar****...Appellant(s)****Vs.****Ram Chander (through LRs)****...Respondent(s)***********RSA-686-2025(O&M)****Ved Kanwar****...Appellant(s)****Vs.****Ishwanti (since deceased) through LRs & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Prerna Aggarwal, Advocate for
Mr. Kulvir Narwal, Advocate
for the appellant (in both cases).

Ms. Monika Khatri, Advocate for
Mr. Vivek Khatri, Advocate
for the respondents (in both cases).

*********NIDHI GUPTA, J.****RSA-3763-2016**

Present second appeal has been filed by the plaintiff against
the concurrent judgments and decrees of the learned Courts below
whereby suit filed by the appellant seeking declaration to the effect that



Release Deed dated 02.03.2000 is illegal, null and void, has been dismissed by both the Courts below.

RSA-686-2025

Present second appeal has been filed by the defendant against the concurrent judgments and decrees of the learned Courts below whereby suit filed by the plaintiffs/respondents herein, for declaration that Ram Chander, father of the plaintiffs, was owner in possession of the suit property; and for consequential relief of permanent and mandatory injunction, has been decreed by both the Courts below.

Both the above said appeals are being disposed of by this common order as parties in both the appeals are the same inasmuch as in both the appeals the appellant is Ved Kanwar; and the respondents are LRs of deceased Ram Chander; and suit land in both the appeals is same. For the sake of brevity, the parties are being referred to and facts are being drawn from **RSA-3763-2016** filed by the plaintiff.

2. The facts as pleaded by the appellant/plaintiff in the plaint were that Ram Chander/defendant No.1 is the father of the plaintiff, and the respondents are his real brothers and sisters. It was averred that the respondents in collusion with Deed Writer had got executed the impugned Release Deed dated 02.03.2000 from defendant No.1. It was contended that transfer of suit land without consideration was illegal. Moreover, suit property was ancestral in nature. Therefore, the plaintiff being one of the sons of defendant No.1 was having right by birth in the same. The transfer



vide the said impugned Release Deed was without a legal necessity. The plaintiff had asked the defendants many times to cancel the impugned Release Deed however, to no effect. On 24.02.2005, defendant Ram Chander had refused to consider the legitimate request of the plaintiff. Accordingly, the plaintiff had filed the present suit on 25.02.2005.

3. On appraisal of pleadings and oral & documentary evidence adduced by the parties, the learned trial Court vide judgment and decree dated 03.11.2014 dismissed the suit of the appellant. The Civil Appeal filed by the appellant was dismissed by the learned Additional District Judge, Jhajjar vide judgment and decree dated 26.04.2016. Hence, present second appeal by the plaintiff.

4. It is inter alia submitted by learned counsel for the appellant that the learned Courts below were in patent error in non-suiting the appellant as they failed to appreciate that even if there was any discrepancy with regard to the date of birth of the appellant, he cannot be treated to be son of Sube Singh. Moreover, Sube Singh had died on 15.10.1957 as evident from his Death Certificate (Ex.P12). This fact has been admitted by Jai Bhagwan defendant/DW3 and by Ram Chander DW1 in their cross-examination. Thereafter, mother of the appellant Rajjo Devi had performed Karewa with Ram Chander; date of birth of the plaintiff is 05.05.1961 as is proved from the School Record by DW4 Sunil Kumar. Accordingly, name of father of the plaintiff in the School Records is recorded as Ram Chander. The



military records also show that name of father of the appellant has been recorded as Ram Chander, and the date of birth of the plaintiff as 04.12.1964. However, the Courts below have failed to appreciate this oral and documentary evidence which clearly establishes that plaintiff is not the son of Sube Singh; rather he is son of Ram Chander.

5. Learned counsel refers to the record to submit that there is ample evidence on the record in the shape of Ex. P-4 Certificate of Discharge from Army wherein the father's name is recorded as Ram Chander; Ex.P-7 I.Card; voter card prepared in the year 2006 Ex. P-9; Ration Card Ex.P-10 prepared in the year 2005; all of which reflect name of father of the appellant as Ram Chander. Moreover, Jai Bhagwan DW3 original defendant no. 2 in the suit has filed affidavit in which he has admitted that date of birth of the plaintiff as per school records is 05.05.1961; and in army record the same is 04.12.1964. DW5 Naveen Kumar clerk also proved the name of father recorded in army record is Ram Chander.

6. It is submitted that clearly therefore, the findings of the learned Courts below are based on misreading of the record while passing perverse judgment and decree. Learned counsel accordingly prays that the impugned judgments and decrees be set aside.

7. Per contra, learned counsel for the respondents (defendants in RSA-3763-2016; and plaintiffs in RSA-686-2025) opposes the submissions made on behalf of the appellant and submits that the impugned judgments



and decrees suffer from no error. Clear, cogent and concurrent findings of facts have been returned by both the Courts below. It is contended that by four judgments and decrees, it has been found that the appellant is incorrectly portraying himself to be son of Ram Chander; whereas it is amply proven on record that the appellant is son of Sube Singh, brother of Ram Chander. Learned counsel accordingly prays for dismissal of the appeal.

8. No other argument is made on behalf of the parties.

9. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant. It is the clear concurrent findings of the learned Courts below that the plaintiff has failed to prove himself as son of Ram Chander.

10. The undisputed position as borne out from the record is that wife of Ram Chander was Smt. Chand Kaur. This fact is proven from the Voters' record (Ex.D9/D and Ex.D9/E). It was never the case of the appellant that he was born from the wedlock of Ram Chander and Chand Kaur. There is not even a smidgen of evidence on record to indicate remotely that there was a Karewa marriage between Ram Chander and Rajjo Devi. On the contrary, there is concurrent finding returned in the judgments impugned in connected RSA 686 of 2025 that no Karewa marriage had ever taken place between Rajjo and Ram Chander. Furthermore, the plaintiff himself is inconsistent with his date of birth as either in 1961 or 1964. As such, his



claim that he is son of Ram Chander cannot be taken as genuine or based upon concrete facts.

11. Even further, the plaintiff himself has been showing himself to be son of Sube Singh. In the Jamabandi (Ex.D6/A and Ex.D6/B); and the mutation (Ex.D8/A) which is copy of Parat Sarkar and consists of the entries recorded at the time of incorporation of the name of the person from whom genuineness of the parentage of plaintiff was got ascertained by the Revenue Authorities, appellant is shown as son of Sube Singh. At the time of sanctioning of Mutation (Ex.D8/A), PW2 Dalpat Singh had appeared before the Revenue Officials as Sarabara Numberdar. Dalpat Singh is the real son of Sube Singh. Dalpat Singh had categorically stated before the Revenue Officials that the appellant is the son of Sube Singh. In this manner, name of appellant was got incorporated and sanctioned as 'Ved Kanwar son of Sube Singh', in the Mutation (Ex.D8/A). Admittedly, the appellant has never challenged the incorporation and sanctioning of the Mutation (Ex.D8/A) in any manner. Even in the record of Vote (Ex.D9/F and Ex.D9/I) from the year 1980 to 1989, the appellant has always represented himself as son of Sube Singh. The appellant has never made any application or representation before any authorities that name of his father has been wrongly incorporated by the authority concerned.

12. Another discrepancy is that, in his service record (Ex.D3 and Ex.D5/D) which pertained to the year 1984, appellant himself has described



Ram Chander as dead person. Whereas, as per Death Certificate of Ram Chander (Ex.D6/5), he had died on 16.12.2007. Thus, the appellant had miserably failed to prove himself to be son of Ram Chander. Thus, the learned Courts below have correctly held that the appellant had no locus to challenge the Release Deed (Ex.P1); as he could not prove himself to be natural born son of Ram Chander.

13. Merely on the basis of Ration Card (Ex.P10), the appellant cannot prove himself to be son of Ram Chander. Only in his service record, the appellant is mentioned as son of Ram Chander. In any event, the said service record of the appellant cannot be relied upon as his date of birth is mentioned therein as 4.12.1964; Whereas it is the own case of the appellant that in his school record, his date of birth is mentioned as 5.5.1961. As noted above, the same are not sufficient to prove his lineage. Even otherwise, the said documents have not been proven in accordance with law as official who is having custody of original record, has not been examined by the appellant. The entire documents as produced by DW9 Kanungo shows that in the Election Record for the years 1980, 1983, 1987 and 1989 (Ex.DW9/A to Ex.DW9/E), Ved Kanwar is recorded as son of Sube Singh. Thus, it is unequivocally established on record that the appellant failed to prove himself as natural born son of defendant No.1 Ram Chander.

14. It is also to be noted that Ram Chander had died in 2007; whereas the impugned Release Deed was executed on 02.03.2000.



Admittedly, during this time of 7 years, Ram Chander had never challenged the said Release Deed.

15. In the connected **RSA-686-2025** filed by the present respondents/plaintiffs therein, a decree of declaration that Ram Chander is owner of the suit property was sought. It was the case of the respondents that Ram Chander was owner in possession of the suit land, which he had relinquished within his lifetime in favour of the present respondents. Said Release Deed had been challenged by the present appellant claiming that he is also son of Ram Chander and that the property was ancestral in nature and could not have been relinquished only in favour of plaintiffs No.4 to 6. It was pleaded that Ram Chander had expired on 16.12.2007 and during his lifetime, his sister Smt. Bhagwani had relinquished her 1/5th share in favour of her brother Ram Chander and Tarif and also Dalpat son of Sube Singh (her nephew) in equal share vide Deed No.1342 of 2004. It was the case of the respondents that after the death of Ram Chander, mutation No.3936 with regard to land received from Bhagwani was entered on 27.07.2010, in which share was also mutated in favour of the appellant Ved Kanwar, although he was not son of Ram Chander. It was contended that mutation was sanctioned by the Revenue Authority in connivance with Dalpat Singh, Nambardar, who was real brother of appellant Ved Kanwar. It was further pleaded that no notice was served upon the respondents before



sanctioning of Mutation. Hence, Mutation No.3936 which allotted share to the appellant/defendant Ved Kanwar be set aside.

16. Vide judgment and decree dated 25.01.2017, suit of the respondents was decreed. Mutation No.3936 w.r.t. inheritance of Ram Chander, was declared illegal, null and void and the entire Revenue Record stood corrected. It was found that issue with regard to Ved Kanwar (appellant/defendant) being son of Ram Chander had also been litigated in case title as “Ved Kanwar Vs. Ram Chander Etc.” RBT No.219 of 2005, wherein the learned trial Court returned findings that no Karewa marriage took place between mother of appellant and Ram Chander. Hence, he is not son of Ram Chander. Said findings have also been upheld by the learned lower Appellate Court. In Para 15 of its judgment, the learned lower Appellate Court has categorically found that *“it stands proved that Ved Kanwar was not the natural born son of Ram Chander...”*. Through perusal of two judgments (Ex.P7 and Ex.P-37), the issue of Karewa marriage and appellant being son of Ram Chander was central to the controversy in previous suit. In Election Record (Ex.P-23), name of father of the appellant is recorded as Sube Singh. In Death Certificate (Ex.P-14) of Rajjo (mother of the appellant), her husband’s name has been recorded as Sube Singh. At the time of alleged Karewa marriage, Ram Chander had already a living spouse who died in 2006. DW3 has also admitted in the cross-examination that at the time of so called Karewa, Ram Chander was married and had



one child. Therefore, no Karewa marriage could have been legally entered into by Rajjo with Ram Chander as same is in violation of Section 5 and is void under Section 11 of the Hindu Marriage Act. Learned lower Appellate Court vide its judgment and decree dated 27.11.2024 dismissed the appeal with costs by holding that appellant failed to prove that he was born out of wedlock (Karewa marriage) between Ram Chander and Rajjo (mother of appellant/defendant).

17. Ld. Counsel for the appellant has miserably failed to dispute or controvert the above said concurrent findings of the learned Courts below.

18. In view of the above, both the present appeals are **dismissed**.

19. Pending application(s) if any also stand(s) disposed of.

17.11.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No