



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

**RSA-1512-2017 (O&M)**  
**Reserved on : 16.09.2025**  
**Pronounced on : 22.09.2025**

MOHAR PAL AND OTHERS .... Appellants

VERSUS

SANWERY AND OTHERS .... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Abhinav Sood, Advocate for  
Mr. Vikram Singh, Advocate for the appellants.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred by the defendant-appellants challenging the judgment and decree dated 24.12.2014 passed by the Trial Court and the judgment and decree dated 17.12.2016 passed by the First Appellate Court.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondents herein filed a suit for declaration and permanent injunction averring in the plaint that they were owners in possession of the agricultural land measuring 28 Kanal 14 Marla situated within the revenue estate of Village Chandhut, Tehsil and District Palwal as fully described in the plaint. It was the case step up that the suit land was previously situated within the revenue estate of Village Kanni Garhi @ Meerpur Kachh, Tehsil Jewar, District Gautambudh Nagar (UP) which was owned and possessed by the ancestors of the plaintiff-respondents. The grandfather of the plaintiff-respondents, namely, Shri Laley son of Chunni was recorded as owner and in

possession of the agricultural land previously bearing Khata No.63, Khasra No.16/455 ( $4\frac{1}{4}$  Bighas 3 Biswas), 15/455 ( $\frac{3}{4}$  Bigha 3 Biswas) and 14/455 ( $\frac{1}{2}$  Bigha 3 Biswas) total measuring  $5\frac{3}{4}$  Bighas 3 Biswas, situated within the revenue estate of Village Meerpur Kachh @ Kani Garhi, Pargana Jewar, Tehsil Khurja, District Bulandsehar, UP. The name of Laley son of Chunni, who was the grandfather of the plaintiff-respondents, was also recorded in revenue records of Village Meerpur Kachh @ Kani Garhi, Khatoni Sall 1363 to 1365 bearing Khata No.152, Khasra No.1360/455 ( $5\frac{3}{4}$  Bighas 3 Biswas) by clubbing the above three khasra numbers in Khasra No.1360/455. In the year 1957 the above stated land fell in the Yamuna riverbed and the revenue authorities vide order dated 20.04.1957 recorded the above land as *Dariya Burd* along with other khasra numbers of the Village as per copy of *Nakal Khatoni* for the year 1367 to 1371 bearing Khata No.174. A dispute is stated to have arisen between the agriculturists of Haryana and Uttar Pradesh with regard to possession of the land which fell in the Yamuna riverbed. The Government of India, to resolve the dispute, appointed a Commission. The Commission gave a report which was known as the *Dixit Award*. As per the *Dixit Award*, it was held the agriculturists who were the owners of the land would remain owners of the land irrespective of the flow of the river Yamuna. Some of the agriculturists challenged the *Dixit Award* before the Hon'ble Supreme Court of India. In the said proceedings the revenue authorities submitted a report with regard to the possession of *Dariya Burd* land. One of the reports submitted by the revenue authorities of Uttar Pradesh was regarding the land which fell in the State of Haryana from Village Meerpur Kachh @ Kani Garhi. In the said report the possession over Khasra No.455

was wrongly shown. After the death of Shri Laley, grandfather of the plaintiff-respondents, Shri Karey inherited all the properties of Shri Laley including the suit land. After orders of the Hon'ble Supreme Court, the revenue authorities of Haryana started work of Consolidation of land which fell in the State of Haryana Village Chandhut. During the consolidation proceedings, plaintiff-respondent No.1 filed objections before the Settlement Officer, Palwal with regard to the entries in the column of possession of Khasra No.455. The Settlement Officer, after hearing all the parties concerned and after conducting the spot inspection, corrected the revenue entries vide Rapat No.35 dated 18.05.2009 under Section 20(4) of Punjab Consolidation Act. During the consolidation, the land mentioned in Larhi No.70 was allotted instead of Khasra No.455. After the said allotment, the revenue authorities also handed over the possession and since then the plaintiff-respondents have been in possession of the suit land. It was further the case set up that the defendant-appellants filed a civil suit titled as 'Mohar Pal etc. Vs. Sanwery etc.' with regard to the suit land which was pending and now the defendant-appellants were trying to grab the property.

3. On notice, the defendant-appellants filed their written statement raising various preliminary objections. It was the stand taken that the defendant-appellants are in actual physical possession of the suit land and were recorded as owners in possession in the revenue record of Uttar Pradesh and after the land was transferred to the State of Haryana the defendant-appellants were entitled to be declared as owners according to the terms and conditions of the *Dixit* Award. It was further the case that the plaintiff-respondents had colluded with the Consolidation Department and got their

own names incorporated in the suit land. It was further the case set up that an appeal had been filed before the Director Consolidation against the said order.

4. Replication was not filed. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the plaintiffs are owners in possession of the suit land ? OPP
2. Whether the present suit is liable to be stayed under Section 10 CPC ? OPP
3. Whether the suit of the plaintiffs is not maintainable in the present form ? OPD
4. Whether the plaintiffs have no *locus standi* to file the present suit ? OPD
5. Whether the plaintiffs have no cause of action against the defendants ? OPD
6. Whether plaintiffs have not come with clean hands and have suppressed the true and material facts from the Court ? OPD
7. Whether plaintiffs are estopped by their own act and conduct to file the present suit ? OPD
8. Relief.

5. The Trial Court vide judgment and decree dated 24.12.2014 decreed the suit. Aggrieved by the same an appeal was preferred by the defendant-appellants before the First Appellate Court which appeal was dismissed vide judgment and decree dated 17.12.2016. Hence, the present regular second appeal by the defendant-appellants.

6. The learned counsel for the defendant-appellants has contended that both the Courts have erred in decreeing the suit. It is urged that the plaintiff-respondents have fabricated the revenue entries in collusion with the officials of the Consolidation Department and that it was the defendant-appellants who were recorded as owners in possession of the suit land prior to the change in the entries during the consolidation proceedings..

7. I have heard the learned counsel for the defendant-appellants.

8. In the present case both the Courts concurrently found that Laley son of Chunni, who was the grandfather of the plaintiff-respondents, was reflected as owner in possession of the suit land which previously fell within the revenue estate of Village Meerpur Kachh @ Kani Garhi, Pargana Jewar, Tehsil Khurja, District Bulandsehar, UP. It is an admitted case that the land fell within the Yamuna riverbed in the year 1987 and the said land was recorded as *Dariya Burd* along with other Khasra numbers of the Village. Subsequently, a Commission was appointed which gave its report known as the *Dixit Award* holding that irrespective of the flow of Yamuna river, the land would remain with the agriculturists in whose name it had been entered. The *Dixit Award* was challenged before the Hon'ble Supreme Court. During the proceedings, a report was given by the revenue authorities of Uttar Pradesh and in one such report it was stated that the land which fell in the State of Haryana from Village Meerpur Kachh @ Kani Garh, possession of the defendants-appellants was wrongly shown over the suit land although Sh. Karey (father of the plaintiff-respondents) had inherited all the properties of Laley including the suit land. Subsequent to the order of the Hon'ble Supreme Court, consolidation took place and during the consolidation proceedings

objections were filed by the plaintiff-respondent No.1 qua the entry in the column of possession of Khasra No.455 which was accordingly corrected after hearing the parties and the possession of the suit land was handed over to the plaintiff-respondents. Both the Courts concurrently held that in the revenue records (which were examined by both the fact finding Courts in detail) the grandfather of the plaintiff-respondents was found to be in possession of the suit land. The learned counsel for the defendant-appellants even now was not able to show as to how the entries were changed in the name of the defendant-appellants when the entries had been reflected in the name of Laley i.e. the grandfather of the plaintiff-respondents prior thereto. The revenue record produced by the plaintiff-respondents clearly showed the possession of Laley on the suit land prior to the stray entry made in favour of the defendant-appellants. Learned counsel for the defendant-appellants was not able to show any document to rebut the presumption of truth which is attached to the revenue record.

9. The Register of *Karyawahi Chakbandi* (Ex.P4) shows that objections had been filed by Sanwery son of Karey with regard to the entries qua possession of Khasra No.455 and the same was corrected. Copy of the Register *Karyawahi Chakbandi* (Ex.P5) shows that the possession of the suit land was given to the plaintiff-respondents and they were recorded as owners in possession. In the jamabandi for the year 2009-10 (Ex.P1), Khasra Girdawri from Kharif 2011 to Rabi 2012 (Ex.P2) and Khasra Girdawri of Kharif 2011 to Rabi 2012 (Ex.P2/1), the plaintiff-respondents have been reflected as owners in possession of the suit land. The First Appellate Court had also noticed that the defendant-appellants had failed to show that after the

correction in the revenue record, any eviction proceedings were initiated against them by the Gram Sabha. Further, the First Appellate Court had also found that though it had been stated that the revenue entries have been changed by the Settlement Officer without following proper procedure, however, except for the bald statement of the defendant-appellants, no evidence was produced on the record to show that the proceedings were not carried out in accordance with law. No other point was argued.

10. No question of law, much less any substantial question of law, arises for determination by this Court in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

**22.09.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*