**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA No.120 of 2022 (O&M)****Kaushalaya Bai (since deceased) through LRs****...Appellant****Vs.****Jeet Singh and others****...Respondents************Reserved on: 22.01.2026****Pronounced on: 23.01.2026****Pronounced fully/operative part: Fully************CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by:- Ms. Rashi Verma, Advocate
for Mr. Manu Loona, Advocate
for the appellant.

DEEPAK GUPTA, J.

The present regular second appeal has been preferred by defendant No.3, assailing the judgment and decree dated 27.01.2021 passed by the learned District Judge, Fazilka, whereby the first appeal filed by the appellant was dismissed and the judgment and decree dated 28.10.2016 passed by the learned Civil Judge (Junior Division), Jalalabad, decreeing the suit of the plaintiff, were affirmed.

2. Briefly stated, the plaintiff instituted a suit for declaration and permanent injunction claiming himself to be owner in cultivating possession of the suit land, challenging the revenue entries and the order dated 09.06.2008 passed by the Assistant Collector II Grade, whereby khasra Girdawari had been corrected in favour of defendant No.3. The plaintiff traced his possession through affidavits executed by Jagdish Singh (son of defendant No.3), correction of khasra Girdawari in the year 1993, long-standing possession reflected in successive revenue records, and eventual conferment of proprietary rights under



the Punjab Package Deal of Properties (Disposal) Act, 1976, culminating in issuance of a conveyance deed in his favour.

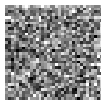
3. Defendant No.3 contested the suit by asserting her own cultivating possession as gair maurusi and sought to justify the later revenue entries in her favour.

4. The Trial Court, after appreciating the oral and documentary evidence, decreed the suit, holding that the plaintiff was in continuous cultivating possession and that the impugned revenue entries and orders were illegal and unsustainable.

5. The First Appellate Court, upon an exhaustive re-appreciation of the entire record, affirmed the findings of the Trial Court. It noticed the long history of litigation initiated either by defendant No.3 or her close relatives on the same issue of possession, all of which had consistently failed before civil and revenue authorities. It was specifically found that defendant No.3 never established her cultivating possession at any point of time and that stray revenue entries obtained during pendency of disputes could not override the binding civil court findings and a valid conveyance deed.

6. Learned counsel for the appellant, in the present second appeal, has reiterated the same contentions, which were raised before the Courts below, namely, that the appellant was in possession of the suit land and that the revenue authorities had rightly corrected the khasra Girdawari in her favour. No new legal issue has been pointed out, nor has any perversity in appreciation of evidence been demonstrated.

7. Having heard learned counsel and perused the judgments of both the Courts below, this Court finds no merit in the present appeal. The findings recorded by the Trial Court and affirmed by the First Appellate Court are pure findings of fact, based on a detailed appreciation of evidence and the long chain of prior litigation between the parties. The First Appellate Court has given co-



gent reasons for discarding the claim of defendant No.3 and for holding that the impugned revenue entries were inconsequential in the face of settled civil rights.

8. It is well settled that in exercise of jurisdiction under Section 100 CPC, the High Court does not re-appreciate evidence or interfere with concurrent findings of fact unless the same are shown to be perverse, illegal, or based on misreading of evidence, or unless a substantial question of law arises. In the present case, no such substantial question of law is made out. The appeal is nothing but a repetition of issues already adjudicated upon multiple times.

9. The record further reveals that defendant No.3 had unsuccessfully challenged the plaintiff’s rights before various forums, including civil courts, revenue authorities, and even under the statutory scheme governing package deal properties. The present appeal appears to be yet another attempt to reopen already settled issues, which is impermissible in second appellate jurisdiction.

10. Consequently, this Court finds no ground to interfere with the concurrent judgments and decrees passed by the Courts below.

11. The present regular second appeal is dismissed. No order as to costs.

23.01.2026
Neetika

(DEEPAK GUPTA)
JUDGE

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

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