



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

RSA-2077-1994 (O&M)

Reserved on :- 16.01.2026

Date of Pronouncement:-21.01.2026

Uploaded on:-22.01.2026

Gulzar Singh and Others

... Appellants

Versus

Ramji Lal (since deceased) through his LRs

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Advocate and
Mr. Abishai A. George, Advocate
for the appellants.

Mr. Rajinder Goyal, Advocate,
Mr. Navjot Singh, Advocate and
Ms. Anvai Parnami, Advocate
for the respondents.

VIRINDER AGGARWAL, J.

1. Commencing with a formulation designed for judicial clarity and precision, it is pertinent to note at the outset that the present Regular Second Appeal (hereinafter referred to as "RSA") has been preferred by the appellants/plaintiffs, assailing the legality, propriety, and correctness of the judgment and decree dated 04.03.1994 rendered by the learned District Judge, Kurukshetra, whereby the findings of the trial Court were affirmed in their entirety. The trial Court, vide judgment and decree dated 07.03.1992 passed by the learned Sub-Judge Ist Class, Kurukshetra, had dismissed the suit instituted by the appellants/plaintiffs seeking a declaratory decree coupled with consequential relief of permanent injunction.

GAURAV SOROT
I attest to the accuracy and
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1.1. By way of the present appeal, the appellants/plaintiffs seek to challenge the concurrent findings recorded by both the Courts below, contending that such findings are fraught with manifest errors of law, misappreciation of evidence, and factual inconsistencies, thereby rendering the impugned judgments and decrees unsustainable in law. The appellants submit that the learned Courts below failed to properly consider the material placed on record, misconstrued the pleadings, and ignored relevant legal principles, resulting in a substantial miscarriage of justice which this Court is called upon to rectify in the exercise of its appellate jurisdiction.

2. At the very threshold, it is pertinent to note that the appellants/plaintiffs instituted the present suit seeking a declaratory decree, asserting their absolute ownership and possession over agricultural land measuring 30 kanals and 04 marlas, in equal shares, forming part of the larger tract of land described in paragraph No. 1 of the plaint. In addition, the appellants/plaintiffs have sought rectification of the sale deeds dated 18.12.1979 and 07.03.1980, executed in favour of the defendant, contending that the lands actually intended to be conveyed through these instruments correspond to Khasra Nos. 17, 18, and 23, and that the said deeds require correction to accurately reflect this factual position.

2.1. Furthermore, the plaintiffs have prayed for a decree of permanent injunction, restraining the defendants from alienating, encumbering, or otherwise creating any third-party rights in respect of the suit land, pending adjudication of the plaintiffs' substantive rights. It is submitted that the reliefs sought are both lawful and necessary to protect the appellants'/plaintiffs' interests, and the learned Courts below erred in failing to appreciate the veracity of the claims and the entitlement of the plaintiffs to the reliefs sought.



3. To crystallize the factual matrix in its essential contours, the narrative of the present case may be succinctly delineated as follows:-

“That one Siri Ram, father of defendant Ramjit Lal, was the owner to the extent of half share in agricultural land measuring 102 kanals 10 marlas, as detailed in paragraph No.1 of the plaint qua ½ share. On 24.05.1977, Siri Ram executed a registered sale deed in favour of the plaintiffs along with certain other vendees, namely, Skrudin, Rahamdin, and others. By virtue of the said conveyance, he transferred 22 kanals 10 marlas representing his half share out of the total extent of 45 kanals described in paragraph No.3 of the plaint comprising land falling in khasra Nos. 18/1, 23, 24, 25, 16, 17, 19 and 19 min. Under this sale deed, 12 kanals 4 marlas were purchased by the plaintiffs for a sale consideration of ₹40,000/-.

Siri Ram remained owner in possession of 28 kanals 15 marlas at the time of his demise in the year 1978, which devolved upon the defendant as legal heir. Thereafter, on 18.12.1979, the defendant executed a second sale deed in favour of the plaintiffs for a consideration of ₹38,500/-, whereby 12 kanals of land again shown as comprising khasra Nos. 16, 17 and 19 stood conveyed. Similarly, vide a subsequent sale deed dated 07.03.1980, the defendant transferred an additional 12 kanals from his remaining share in the land described in paragraph No.1 of the plaint, also for a consideration of ₹38,500/-. The particulars of the land sold

under the third sale deed stand delineated in paragraph No.6 of



the plaint, and here too the khasra Nos. 16, 17, and 19 were repeatedly reflected as the subject matter of sale.

Thus, by virtue of these three successive sale deeds, the plaintiffs assert ownership and possession over a consolidated area measuring 30 kanals 4 marlas. Their categorical case is that the repetition of khasra Nos. 16, 17, and 19 in the sale deeds dated 18.12.1979 and 07.03.1980 occurred due to a mutual and bona fide mistake of both parties, warranting rectification of the documents by the Court in exercise of its equitable jurisdiction. Accordingly, the plaintiffs have sought a decree for declaration, rectification of the impugned sale deeds, and consequential relief, along with costs.”

4. Upon service of notice, the defendant appeared before the Court and filed a comprehensive written statement, vigorously contesting the claims of the plaintiffs. The defendant’s contentions, in summary, are as follows:-

“At the very outset, the defendant raised preliminary objections contending that the plaintiffs lack locus standi to maintain the present suit; that the suit suffers from the vice of non-joinder of necessary parties; that it is barred by limitation; and that the plaintiffs are estopped from asserting their claims by virtue of their own conduct and acquiescence.

On merits, it is specifically pleaded that Siri Ram had, in fact, alienated only his half share measuring 22 kanals 10 marlas, and in accordance with the contemporaneous agreement, possession was delivered exclusively with respect to land comprised in khasra Nos. 18, 23, and 24 of Rectangle No.



22. It is asserted that the plaintiffs never obtained possession of the land falling in khasra Nos. 16, 17, and 19, and furthermore, the land conveyed under the sale deed dated 24.05.1977 was, at the relevant time, under the actual possession of Skrudin and others as mortgagees. The defendant categorically denies the existence of any mutual mistake in the execution of the sale deeds dated 18.12.1979 and 07.03.1980. On the contrary, it is pleaded that the khasra numbers purportedly inserted in the earlier sale deeds which the plaintiffs now allege to be erroneous were correctly and consciously transferred through the subsequent sale deeds dated 18.12.1979 and 07.03.1980.

Asserting the correctness of the impugned documents and disputing every foundational plea of the plaintiffs, the defendant prays for dismissal of the suit with exemplary costs.”

5. Thereafter, the appellants–plaintiffs filed a detailed replication, in which they emphatically refuted each of the objections and contentions advanced in the defendant’s written statement, while simultaneously reiterating, in clear and categorical terms, the claims and averments set forth in the plaint. Upon a thorough and careful scrutiny of the pleadings of both parties, and after giving due consideration to their respective stances, the Court deemed it necessary to identify the precise points of contention between the parties. In order to facilitate a structured, focused, and legally coherent adjudication of the dispute, the Court accordingly framed the following issues for determination:-

- 1) *Whether the impugned sale deeds dated 18.12.1979 and 8.3.1990 require rectification as alleged? OPP*



- 2) *Whether the plaintiffs are owners in possession of 30 kanals 4 marlas land out of the land described in para 1 of the plaint as akax alleged?*
OPP
- 3) *Whether the plaintiffs have no locus standi to file the present suit?*
OPD
- 4) *Whether the suit is bad for non-joinder of necessary parties? OPD*
- 5) *Whether the suit is time barred? OPD*
- 6) *Whether the plaintiffs had played fraud in execution of sale deed dated 24.5.1977 as alleged? If so to what effect? OPD*
- 7) *Whether the plaintiffs have no cause of action? OPD.*
- 8) *Relief*

6. Following the framing and settlement of issues, both parties were afforded full and adequate opportunity to adduce their respective oral and documentary evidence. Upon a meticulous and exhaustive appraisal of the entire evidentiary record, coupled with a careful consideration of the submissions advanced by learned counsel for both sides, the learned Trial Court ultimately proceeded to dismiss the suit filed by the appellants/plaintiffs, recording its findings and conclusions in the following terms:-

“In view of the foregoing detailed issue-wise findings recorded here-in-above, the suit instituted by the plaintiffs is found to be devoid of merit and is accordingly dismissed. Having regard to the nature of the legal questions involved and the circumstances surrounding the controversy, this Court considers it appropriate to direct that the parties shall bear their own costs.

Let a decree sheet be drawn up in conformity with this judgment. The case file, thereafter, be consigned to the record room in accordance with prescribed procedure.”

6.1. The appeal preferred by the appellants/plaintiffs against the judgment of the Trial Court was likewise dismissed by the learned First



Appellate Court. Upon a comprehensive and careful reappraisal of the evidence adduced and the contentions advanced by the parties, the learned Appellate Court affirmed the findings recorded by the Trial Court, observing as follows:-

“For the reasons elaborately discussed here-in-above, the present appeal is found to be wholly devoid of merit and is accordingly dismissed with costs. The counsel’s fee is assessed at ₹330/-. Let a decree sheet be drawn in accordance with this judgment, and upon completion of all requisite formalities, the case file be consigned to the record room as per established procedure.”

6.2. Challenging the concurrent findings recorded by both the learned Courts below, the appellants/plaintiffs have invoked the appellate jurisdiction of this Court through the instant RSA, seeking to rectify the manifest errors of law and fact that have occasioned a substantial miscarriage of justice.

6.3. The appellants have approached this Court by way of the present RSA, challenging the concurrent judgments and decrees rendered by the Courts below. Upon a prima facie examination, the appeal was found to raise substantial and arguable questions of law and fact, thereby justifying its admission for regular hearing. In furtherance of the same, notice was duly issued to the respondent, who entered appearance through learned counsel and opposed the appeal with full vigour at the stage of final arguments.

6.4. For a thorough, comprehensive, and judicious determination of the questions arising in the present appeal, the complete records of the Courts below were duly summoned and placed before this Court, facilitating a meticulous examination of the evidence, pleadings, and orders for the purpose of careful and reasoned adjudication.



7. I have heard learned counsel for the parties at length and have given my thoughtful, anxious, and deliberate consideration to the submissions advanced, in the context of the pleadings of the parties, the entire corpus of evidence adduced, and the concurrent findings rendered by both Courts below. The record of the lower Courts has been examined with meticulous care and in its entirety, with a view to determining '*whether the impugned judgments and decrees are tainted by any jurisdictional infirmity, patent illegality, manifest perversity, or misappreciation of evidence of such a nature as would warrant interference by this Court in the exercise of its appellate jurisdiction*'?

8. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of ***Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157***, followed by the judgments in the case of ***Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317 and Satender and others V/s Saroj and others, 2022(12) Scale 92***. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

9. A meticulous examination of the entire record clearly establishes that there is no illegality or infirmity in the findings recorded by both the Courts below insofar as the question of rectification of the sale-deeds is concerned. There is no evidence on record to suggest that the sale-deeds in question were executed as a result of any mutual mistake or that any fraud was perpetrated, and, consequently, no ground exists to direct rectification of the sale-deeds under Section 26 of the Specific Relief Act.



9.1. The plaintiffs instituted the suit seeking, *inter alia*, a declaration that they are owners in possession of agricultural land measuring 30 kanals and 4 marlas, in equal shares, out of the total land described in paragraph No. 1 of the plaint. The suit also sought rectification of the sale-deeds dated 18.12.1979 and 07.03.1980, contending that the land actually intended to be conveyed corresponds to Khasra Nos. 17 (8-0), 18 (8-0), and 23 (8-0) of Rect. No. 23, Khatoni No. 88, Khewat No. 43, pertaining to the Jamabandi for the year 1972-73, and prayed for a permanent injunction restraining the defendants from alienating or creating third-party rights in respect of the suit land.

9.2. A perusal of the relief claimed reveals that the plaintiffs' principal grievance is not confined to rectification of the sale-deeds or substitution of Khasra numbers therein, but is primarily directed towards securing a declaratory decree recognizing their co-ownership to the extent of 30 kanals and 4 marlas out of the total suit land. The record demonstrates that the sale-deeds executed namely, those dated 24.05.1977, 18.12.1979, and 07.03.1980 do not pertain to specific portions of the land, but rather constitute sales of shares in the joint holding.

9.3. Specifically, Sale-deed Ex.P2 dated 24.05.1977 conveyed one-half share out of the total land measuring 45 kanals, comprising various Khasra numbers, whereas the sale-deeds dated 18.12.1979 and 07.03.1980 each pertain to one-fourth shares in the joint holding. Consequently, even if the sale-deeds referred particular Khasra numbers, such reference does not amount to a mistake, as the aggregate shares one-half, one-fourth, and one-fourth accurately constitute the entire area in that particular khasra number. In effect, these sale-deeds convey shares in the joint land rather than specific demarcated portions thereof.



9.4. In view of the foregoing, the appellants/plaintiffs are rightly entitled to be declared co-owners of the shares purchased through the sale-deeds in question. Their ownership and possession are to be recognized subject to appropriate adjustment at the time of partition of the joint holding. The defendants are accordingly restrained from creating any third-party rights over the portions of the land acquired by the appellants/plaintiffs.

9.5. However, as there is no evidence establishing any mistake or fraud in the execution of the sale-deeds, the plaintiffs’ claim for rectification of the sale-deeds is unsustainable and is therefore dismissed. Consequently, the appeal filed by the appellants is allowed, the judgments and decrees of the Courts below are set aside, and the suit of the appellants/plaintiffs is decreed to the extent of declaring them co-owners in joint possession over the lands purchased pursuant to the sale-deeds dated 24.05.1977, 18.12.1979, and 07.03.1980, which would be subject to adjustment of the time of partition of joint holding.

10. In view of the fact that the principal appeal has now been adjudicated and stands conclusively disposed of on its merits, all ancillary, interlocutory, or pending miscellaneous applications, however described, shall, by necessary implication, also stand disposed of. In light of the findings and conclusions recorded herein, no separate or independent orders are called for in respect of such applications, as their continuance has been rendered wholly otiose and their determination has become purely academic.

21.01.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasonable/speaking?	Yes / No
Whether reportable?	Yes / No

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