



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

RSA-58-2023 (O&M)

Date of Decision: 30.03.2026

MAHENDER KUMAR @ MAHENDER GOAD ...Appellant

Vs.

GANESHI LAL ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Jai Vir Yadav, Senior Advocate with
Mr. Aman Gautam, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

CM-209-C-2023

This is an application filed under Section 151 CPC for condonation of delay of 13 days in re-filing the present appeal.

For the reasons mentioned in the application, duly supported by an affidavit and in the interest of justice, delay of 13 days in re-filing the present appeal is condoned.

CM is disposed of.

Main case

This regular second appeal has been filed challenging the judgment and decree dated 11.03.2022 passed by the learned First Appellate Court. By the impugned judgment, the First Appellate Court affirmed the judgment and decree of the learned trial Court dated 31.01.2017 and dismissed the appeal filed by the appellant/plaintiff. The appellant, being aggrieved by the affirmation of the trial Court's decision, has approached this Court seeking redressal in the form of setting aside the impugned judgment and decree.



2. Briefly stated, the appellant/plaintiff filed a suit seeking a permanent injunction to restrain the respondent/defendant from interfering with the appellant's peaceful possession of the suit property, which is fully described in the headnote of the plaint. The appellant also sought a mandatory injunction directing the demolition of any construction raised by the defendant on the suit property during the pendency of the suit.

3. The case, as stated in the plaint, is that Gharsi @ Ghanshyam, son of Jawala Sahai, was in possession of the suit property as gair marusi since the time of consolidation of holdings. Gharsi passed away on 10.05.1973 and was succeeded by his three sons—Ramji Lal, Narain, and the present appellant, Mahender Singh. After the death of Ramji Lal, his son Mahesh Kumar succeeded him. Mahender Singh, Narain Singh, and Mahesh Kumar are stated to be in possession of the suit property in equal shares as gair marusi. The present suit was filed solely by Mahender Singh. The suit was contested by the defendant through a written statement and counter-claim, wherein it was contended that the suit property was originally donated to Jawala Sahai, the predecessor-in-interest of the parties. After the death of Jawala Sahai, his two sons—Gharsi and Mool Chand—became owners of half shares each. Upon the death of Mool Chand, his son Ganeshi succeeded to his $\frac{1}{2}$ share, while Gharsi was succeeded by the plaintiff and others to the remaining $\frac{1}{2}$ share. It was further denied that Gharsi alone was in possession of the entire property, asserting that Mool Chand's name had been omitted erroneously by the revenue authorities during consolidation. The defendant also contended that there had been an oral family partition between the plaintiff and the defendant, whereby 11 marlas of land towards the east were recognized as being in the



possession of the defendant. In April 2012, when the defendant was constructing a boundary wall on his portion, the plaintiff attempted to intervene. A compromise dated 28.04.2012 was effected, after which the boundary wall was completed, and the defendant continued in possession of the eastern portion of the suit land, equivalent to his $\frac{1}{2}$ share. After a full trial, the suit filed by the appellant/plaintiff was dismissed, and the defendant's counter-claim was decreed. The appellant thereafter filed an appeal, which was also dismissed by the First Appellate Court. Aggrieved by the dismissal of both the suit and the appeal, the present second appeal has been filed challenging the judgment and decree.

4. After hearing the learned counsel for the appellant, this Court is of the considered view that both the Courts below have correctly interpreted the material evidence on record and rightly concluded that, prior to consolidation, the predecessors-in-interest of both the plaintiff and the defendant were shown to be in possession of the suit property to the extent of one-half share each.

5. During the process of consolidation, the name of Mool Chand, predecessor-in-interest of the respondent/defendant, was inadvertently omitted from the revenue records. This omission was not pursuant to any order passed by a competent revenue authority but arose due to an inadvertent mistake on the part of the revenue officials. Such a clerical or administrative error, however, cannot extinguish the right, title, or interest of the defendant in the suit property, who succeeded to his father's share upon the death of Mool Chand. It is well settled that revenue entries are not conclusive documents of title, and the mere omission of a predecessor's name in the revenue records,



without any lawful basis, does not affect or extinguish the legal rights of the party concerned. The respondent/defendant's right, title, and interest in the suit property were duly recognized in the written compromise dated 28.04.2012 (Ex. DW-4/A/Ex. D-1) and the subsequent writing dated 25.06.2012. Both the Courts below have rightly observed that these documents did not require registration, as they did not create a new right, title, or interest in the suit property for the first time; rather, they acknowledged an already existing right.

6. In the light of the above, this Court finds no illegality or infirmity in the conclusions reached by the Courts below. The findings are based on proper appreciation of evidence and law. The appeal is devoid of any merits and is accordingly **dismissed**.

(VIRINDER AGGARWAL)
JUDGE

30.03.2026

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>