

2026:PHHC:064363



-1-

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

RSA-4233-2000 WITH
CWP-27091-2018
Reserved on : 12.02.2026
Pronounced on : 29.04.2026

1. RSA-4233-2000

JAGGU AND OTHERS

....Appellants

Versus

MARO AND OTHERS

...Respondent

2. CWP-27091-2018

JASBIR KAUR

....Petitioner

Versus

FINANCIAL COMMISSIONER REVENUE PUNJAB
AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rahul Vijay Singh Chugh, Advocate
for the appellants.

Mr. Parvinder Singh, Advocate
for the petitioner in CWP-27091-2018.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda, Advocate and
Mr. Parvinder Singh, Advocate
for respondents No.1 and 2 in RSA-4233-2000.

PARMOD GOYAL, J. (ORAL)

RSA-4233-2000

Present regular second appeal has been preferred by the
appellants/defendants being aggrieved by judgment and decree dated

03.06.1998, passed by learned Civil Judge (Senior Division), Mansa, whereby suit for possession preferred by respondents/plaintiffs was decreed and also by judgment and decree dated 07.06.2000, passed by learned Additional District Judge, Mansa, whereby first appeal preferred by appellants/defendants was also dismissed.

2. Respondents/plaintiffs had filed suit for possession of half share out of land measuring 191 kanals fully described in the heading of the plaint on the basis of inheritance of deceased Keeru son of Prema challenging mutations No.3119 dated 31.08.1975, 3818 and 4023 respectively in favour of appellants/defendants No.1 to 3 and also in favour of defendant No.4 claiming same to be wrong, illegal and not effective qua rights of respondents/plaintiffs.

3. It was averred by respondents/plaintiffs that suit land was owned by Keeru who died 20/21 years prior to institution of suit leaving behind four children namely Bachhittar Singh, Kaki, Maro and Mukhtiar Kaur @ Mukhtiaro. Bachhittar Singh and Kaki had pre-deceased Keeru. Bachhittar Singh was succeeded by his widow Bhagwan Kaur, Jaggu, Sukhdev Singh, Seeto, Ghago. Kati was succeeded by Tej Kaur. It was asserted that after death of Keeru, plaintiffs Mukhtiar Singh, defendant No.5 widow of Keeru named Narain Kaur along with appellants/defendants No.1 to 3 Sukhdev Singh, Bhagwan Kaur and Ghago became owners in possession of suit property as his heirs. After death of Narain Kaur, respondents/plaintiffs became owner in possession of half share, whereas LR's of Bachhittar Singh became entitled to 1/4th share. However, appellants/defendants No.1 to 3 succeeded in getting mutation No.3119

dated 31.08.1975 entered in their name at the back of respondents/plaintiffs. Later on Bhagwan Kaur had also died and her share had also gone to appellants/defendants No.1 to 3. Accordingly, mutation No.3818 was entered in favour of Sukhdev Singh and Ghago in equal share. Upon death of Sukhdev Singh son of Bachhittar Singh mutation No.4023 in the name of defendant No.4 was entered wrongly. Subsequently, Ghago also died leaving behind defendants No.6 to 10 as her legal heirs.

4. It is the case of respondents/plaintiffs that after death of Sukhdev Singh defendants No.1 to 3 dispossessed the respondents/plaintiffs from the suit property and stopped paying their share. Respondents/plaintiffs came to know about the wrong and illegal mutation only when copy of jamabandi after death of Sukhdev Singh was obtained. Various requests to appellants/defendants for handing over possession of half share were made, however, revenue authorities had failed to take action and accordingly, suit was preferred.

5. On one hand, appellants/defendants No.1 to 3 contested the suit by filing joint written statement whereas defendants No.12 to 22 filed written statement supporting the case of respondents/plaintiffs. Other defendants were proceeded ex parte.

6. In their written statement, appellants/defendants No.1 to 3 took number of preliminary objections with regard to maintainability. On merits, it was pleaded that Keeru had expired 40/41 years prior to the date of filing of suit. It was asserted that he was succeeded only by Bachhittar Singh as respondents/plaintiffs and Kaki were not related to Keeru. That respondents/plaintiffs never came into possession of suit property in any

capacity. Mutation regarding inheritance of Keeru was stated to be correct and legally binding. Similarly, mutation of inheritance of Bhagwan Kaur and Sukhdev Singh were stated to be correct. Pedigree table relied upon by respondents/plaintiffs was denied and accordingly dismissal of suit was prayed for.

7. Defendants No.12 to 22 while supporting the case of respondents/plaintiffs asserted that Keeru was succeeded by five children instead of four as claimed by respondents/plaintiffs i.e. Bachhittar Singh, Kaki, Maro, Mukhtiaro and Gurdial Kaur. It was asserted that Mukhtiar Kaur had died after death of Keeru and accordingly, they had stacked their claim to 1/5th share in the suit property being heirs of Gurdial Kaur.

8. From the pleadings of parties following issues were framed :-

- 1) Whether the plaintiffs are owner of the suit land ? OPP
- 2) If issue No.1 proved, whether plaintiffs are entitled for declaration and possession as prayed for ? OPP
- 3) Whether this suit is not within limitation ? OPD
- 4) Relief.

9. In the present case, respondents/plaintiffs are claiming their rights being natural heirs of original land owner Keeru being daughter and daughter's daughter of said Keeru. Whereas present appellants/defendants who are sons and daughters of Bachhittar Singh son of Keeru had claimed entire land on the plea that Keeru had only one son namely Bachhittar Singh and only Bachhittar Singh had succeeded the suit land and after death of Bachhittar Singh it is defendants No.1 to 3 who alone were entitled to entire suit land owned by Keeru by way of natural succession along with

defendants No.5 to 9 sons and daughters of Ghago daughter of Bachhittar Singh. On the other hand, defendants No.12 to 22 had sought their share being sons and daughters and LRs of daughters and sons of Gurdial Kaur.

10. Both the Courts after appreciating evidence led by both the parties had concluded that respondents/plaintiffs succeeded in proving that deceased Keeru was succeeded by his wife Narain Kaur, son Bachhittar Singh and four daughters Kaki, Maro, Mukhtiaro and Gurdial Kaur, therefore, respondents/plaintiffs were held entitled to natural succession and 2/5th share in suit land along with possession.

11. Dispute in the present case is short and simple. The question for determination is whether estate of Keeru was succeeded by his wife Narain Kaur, four daughters namely Kaki, Maro, Mukhtiaro and Gurdial Kaur and son Bachhittar Singh or it was succeeded only by Bachhittar Singh as being claimed by appellants/defendants.

12. In order to prove that respondents/plaintiffs had succeeded Keeru being daughter and daughter's daughter reliance has been placed by respondents/plaintiffs on evidence of Bhura Singh-PW2 nephew of Keeru and also on birth certificates Ex.P8 and Ex.DA along with evidence of Kartar Singh-DW3 and Gurnam Kaur-DW4 which was led by defendants No.12 to 22 who also claims their rights being daughters/LRs of daughters of Keeru.

13. On the other hand, the simple case of appellants/defendants is based upon denial of relationship between respondents/plaintiffs and defendants No.12 to 22 with Keeru.

14. In the present case, it is not in doubt that Keeru was owner of

suit land. On one hand, respondents/plaintiffs as well as defendants No.12 to 22 have claimed their rights being daughters/LRs of daughters of Keeru. On the other hand, appellants/defendants have claimed that Keeru had no daughter. On consideration of evidence led by respondents/plaintiffs and also evidence led by defendants No.12 to 22, it is made out that appreciation of evidence by both the Courts below cannot be faulted with. Both the Courts have rightly concluded that Keeru was survived by his wife Narain Kaur, four daughters namely Kaki, Maro, Mukhtiaro and Gurdial Kaur and son Bachhittar Singh. Appellants/defendants are claiming their share through Bachhittar Singh. In order to prove that Keeru had four daughters and one son, respondents/plaintiffs had duly examined Bhura Singh-PW2 who stated himself to be nephew of Keeru being sister's son of Narain Kaur-wife of Keeru. He had duly asserted that Kaki, Maro, Mukhtiaro and Gurdial Kaur were daughters of Keeru. Similarly, Kartar Singh-DW3 and Gurnam Kaur-DW4 have stated that Keeru had four daughters and one son. DW3 is none else but maternal uncle of parties who was aged 78 years at the time of his examination. The evidence of PW2 and DW3 who were closely related to parties in fact clearly proves that Keeru had four daughters and one son. There is no rebuttal or any challenge to their evidence. There is no real challenge to the claim by PW2 and DW3 that they are nephew of Keeru and maternal uncle of parties. Their evidence is consistent and reliable and fully admissible in view of the provisions of Section 50, as being close family members, it was they alone, who had knowledge about the relationship between the parties. The learned Courts below have rightly appreciated their evidence and accepted the same accordingly.

15. Even respondent/plaintiff-Maró while appearing as PW1 had reiterated her claim that her father had four daughters and one son. Even DW4 Gurnam Kaur had supported the version given by PW3. She had corroborated the evidence of DW3 and had duly stated that Keeru had left behind four daughters and one son.

16. Learned Courts below have also duly taken into consideration birth certificate Ex.P8 which goes to show that Keeru had a daughter who was born on 24.07.1983. Learned Appellate Court has duly noticed that age mentioned in birth certificate tallies with age of Maró who is respondent/plaintiff No.1. The Courts below have also taken into consideration birth certificate Ex.DA which also shows that another daughter was born to Keeru on 07.06.1980. The Courts below have duly noticed that though name of daughters were not mentioned on these certificates, but still these certificates goes to prove that Keeru also got daughter other than one son Bachhittar Singh and goes to falsify the stand taken by appellants/defendants that Keeru had no daughter.

17. It is worth noticing that both the Courts while appreciating evidence have also taken into consideration admitted written statement filed by appellants/defendants No.1 and 2 prior to amendment of plaint. In their previous written statement appellants/defendants No.1 and 2 had duly admitted relationship of parties, thereby accepting that Keeru not only had one son but also had daughters who were entitled to succeed his estate. Above noted appreciation by learned Courts below could not be shown to be erroneous or perverse by learned counsel for the appellants/defendants.

18. Plaintiffs and defendants No.12 to 22 have succeeded in

proving their relationship with Keeru being daughters/LRs of daughters by examining close family members/relatives who are the best people to know about relationship between the parties and by proving from Ex.P8 and Ex.DA birth certificates that Keeru had daughters also, therefore, the stand taken by appellants/defendants is falsified that Keeru did not have any daughter and only had one son. Rather from birth certificates it is clearly proved that Keeru had daughters also apart from having one son. Therefore, the evidence led by respondents/plaintiffs is cogent and reliable and has rightly been accepted.

19. Faced with above conclusion, learned counsel for appellants/defendants has tried to argue that present suit is barred by limitation as it was filed in 1993 challenging mutation entries made in 1975. It is the case of respondents/plaintiffs that they are in possession of suit property and they were only dispossessed after death of Sukhdev Singh son of Bachhittar Singh. Prior to that they were in possession of suit property. Moreover, mutation is not a document of title. If it is shown that mutation has been wrongly sanctioned by the authorities, then the ownership would go by natural succession as has been accepted by learned Courts below in the present case.

20. In the present case, upon opening of succession of Keeru, his wife, four daughters and one son became owners in possession of suit property and after death of wife of Keeru namely Narain Kaur her estate had also vested in her son and her daughters. Therefore, challenge to mutation entries entered in 1975 when claim of possession is based upon ownership cannot be held to be beyond limitation. Admittedly, appellants/defendants

have not claimed adverse possession over the suit property. Their possession was of co-sharers along with respondents/plaintiffs and defendants No.12 to 22 and, therefore, suit for possession cannot be held to be barred by limitation. Both the Courts have rightly decreed the suit and accordingly the present appeal is liable to be dismissed being without any merit. Hence, appeal is dismissed.

CWP-27091-2018

21. Civil writ petition No.27091 of 2018 has been filed by petitioner-Jasbir Kaur being aggrieved by order dated 30.07.2014 (Annexure P-12), passed by learned Magistrate-cum-Assistant Collector, First Grade, Mansa, by order dated 20.02.2015 (Annexure P-13), passed by Collector (ADC) Mansa by order dated 05.04.2017 (Annexure P-14), passed by Commissioner, whereby revision petition filed by petitioner also was dismissed and also by order dated 28.03.2018 in ROR No.480 of 2017 passed by learned Financial Commissioner (Revenue), Punjab, Chandigarh, whereby mutation entered in her name was not approved.

22. The simple case of petitioner was that Maro daughter of Keeru Singh and Tej Kaur daughter of Kaki had filed suit for possession against Jaggu Singh and others claiming half share out of land measuring 191 kanals on the basis of inheritance. The said civil suit preferred by Maro and Tej Kaur was decreed vide judgment and decree dated 03.06.1998 by learned Civil Judge (Junior Division), Mansa and they were declared owners to the extent of 2/5th share out of land measuring 191 kanals. Thereafter, appeal preferred by respondents/defendants was also dismissed on 07.06.2000 by learned Additional District Judge, Mansa.

23. It is the case of petitioner that on the basis of judgment and decree dated 07.06.2000 mutation No.4296 was sanctioned in favour of Maro and Tej Kaur on 17.08.2000. In the meanwhile, private respondents had approached this Court by filing RSA No.4233 of 2000 wherein execution of decree was stayed. That on the basis of mutation No.4296 Maro and Tej Kaur were duly shown owners of suit property in jamabandi for the years 2002-03. The suit property was purchased by petitioner from Nachhatter son of Maro and Tej Kaur daughter of Kaki vide registered sale deed executed on 27.12.2011 and registered on 16.02.2012. After registration of said sale deed mutation No.4874 was entered in favour of petitioner on the basis of sale deed dated 16.02.2012, however, said mutation was rejected by learned Sub Divisional Magistrate-cum-Assistant Collector, First Grade, Mansa vide order dated 30.07.2014 (Annexure P-12) on the ground that RSA No.4233 of 2000 is pending before this Court and stay of execution of lower Court order has been passed. Subsequently, appeal, revision and ROR preferred by petitioner were also dismissed vide order dated 20.02.2015 (Annexure P-13), 05.04.2017 (Annexure P-14) and 28.03.2018 (Annexure P-15).

24. From above noted facts, it is therefore, clearly made out that rights of petitioner has to flow from rights of Maro and Tej Kaur from from whom respondent/plaintiff had purchased the suit property. Appeal bearing RSA No.4233 of 2000 preferred by defendants/appellants who are contesting the present writ petition has been dismissed. Judgments and decrees passed by both the Courts have been upheld. Dismissal of RSA No.4233 of 2000 affirms ownership of Maro and Tej Kaur to 2/5th extent.

Therefore, the writ petition has to be allowed in above terms. The impugned orders passed by revenue authorities are set aside. Mutation No.4874 based upon sale deed dated 16.02.2012 has to be entered in favour of petitioner qua the extent of share of Nachhatter Singh and Tej Kaur vendors of present petitioner. The revenue authorities shall accordingly, make corrections in the entries in terms of judgment passed by this Court affirming the judgment passed by Courts below, whereby suit of Maro and Tej Kaur was decreed and appeal preferred by defendants in suit and respondents in present writ petition was dismissed. Writ petition is allowed in above terms.

25. Pending application(s), if any, is/are disposed of accordingly.

29.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No