**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****119****RSA-1986-2023 (O&M)****Date of decision: 01.04.2026****Balwinder Singh****...Appellant(s)****Vs.****Kulwant Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ajay Pal Singh Rehan, Advocate
for the appellant.

NIDHI GUPTA, J.**CM-6884-C-2023**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 87 days in filing the appeal.

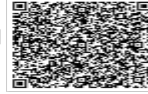
2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 87 days in filing the appeal is condoned.

CM-6885-C-2023

Prayer in this application filed under Section 151 CPC is for condonation of delay of 103 days in refiling the appeal.

2. Heard.



3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 103 days in refiling the appeal is condoned.

RSA-1986-2023 (O&M)

Plaintiff is in Second Appeal against the concurrent judgments and decrees of the learned District Courts; whereby suit filed by the appellant for permanent injunction, has been dismissed with costs by both the District Courts.

2. It is *inter alia* submitted by Id. counsel for the appellant that the learned District Courts were in error in non-suiting the appellant on the short ground that the appellant had proved his possession over the suit land by producing voluminous documentary evidence in the form of Jamabandi for the years 1987-88, 1991-92, 1996-97, 2001-02, 2006-07 & 2011-12 (Ex.P-1 to P-6) and Khasra Girdawari (Ex.P-7 to P-9). Thus, the possession of the plaintiff over the suit land as Gair Marusi tenant for last more than 25 years is proved. Further the defendants have failed to rebut the evidence produced by the plaintiff.

3. It is further submitted by learned counsel for the appellant that both the courts have not appreciated that from the Jamabandi for the years 1987-88, 1991-92, 1996-97, 2001-02, 2006-07 & 2011-12 (Ex.P-1 to P-6) and Khasra Girdawari (Ex.P-7 to P-9) it is clear that appellant/plaintiff is in possession of the suit property as Gair Marusi tenant on payment of rent and hence entitled to protect his possession unless he is ejected by



the owner in accordance with the procedure prescribed under the Punjab Security of Land Tenures Act.

4. It is accordingly prayed that present Appeal be allowed; and the impugned judgments and decrees of the District Courts be set aside.

5. No other argument is raised by learned counsel for the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

6. No doubt, the appellant had produced revenue record as referred to hereinabove; and further there is no doubt that perusal of these documents show that plaintiff is in cultivating possession of the suit land as gair marusi on the payment of rent. However, a complete perusal of the record further reveals that defendants have proved the said entries to be incorrect. Defendants have placed on record a copy of the order dated 13.08.2014 passed by Naib Tehsildar-cum-Assistant Collector 2nd Grade Ex.D5; whereby the said entries were ordered to be corrected. Order dated 13.08.2014 was further upheld in appeal filed by the plaintiff vide order dated 27.03.2015 Ex.D4 passed by Assistant Collector 1st Grade, Batala. Therefore, perusal of Ex.D4 and D5 clearly prove that name of the plaintiff was wrongly incorporated in the revenue record and correction thereof was directed; whereupon correct entries were made in the names of defendants No.2 and 3.

7. No doubt, there is a presumption of truth attached to Jamabandi. However, the said presumption is rebuttable. In the present case, presumption stood rebutted in the order dated Ex.D5 passed by



Assistant Collector IInd Grade and Ex.D4 passed by Assistant Collector Ist Grade, Batala. In any event, entries in Revenue Record do not confer title. Even otherwise, perusal of testimonies of plaintiff's witnesses shows that there are material contradictions in their statements. Plaintiff has miserably failed to prove his tenancy as alleged. Particulars of tenancy are also not mentioned in the plaint, nor even the amount of rent being paid by the appellant. In his cross-examination, plaintiff had come up with the entirely new version that suit land was taken on lease in 1985-1986 from one Deva Singh with whom it was mortgaged. Plaintiff failed to examine the said Deva Singh. Furthermore, defendants were successful in proving that plaintiff has no locus standi to file the suit. Plaintiff failed to prove the alleged tenancy rights or even possession over the suit property. Therefore, suit was not maintainable.

8. Furthermore, even the evidence of the plaintiff witnesses was not reliable. PW1 Kawaljit Singh is the first cousin of the plaintiff and was unable to prove the possession of the plaintiff over the suit property as tenant. PW1 had further admitted in his cross-examination that 2-3 years before recording his statement, Naib Tehsildar had visited the property in connection with case of correction of entries in khasra girdawari.

9. PW2 Harmanjit Singh had refuted the averments of his own Affidavit. Similarly, PW3 Jagdish Singh is also the first cousin of the plaintiff and had refuted the averments of his own Affidavit. Moreover, PW1 and PW3 are interested witnesses.

10. Defendants on the other hand, had proved on record the Sale Deed Ex.D1 executed in their favour. Perusal of Sale Deed Ex.D1 reveals that Kulwant Singh and Balwant Singh are the sons of Pritam Singh, son of Hazara Singh, who were admitted to be owners of the suit property as per the record Ex.P1 to Ex.P9 and sold 9 Kanals of suit land in favour of Baljinder Kaur/defendant No.2 to the extent of 1/2 share.
11. Thus, plaintiff is not entitled to permanent injunction since he had failed to prove his possession over the suit property. As such, question of dispossession does not arise.
12. Learned counsel for the appellant is unable to dispute or controvert the above said facts and findings.
13. In view of the above, no ground is made out to interfere in the concurrent judgments and decrees of the learned District Courts. The present Second Appeal stands **dismissed**.
14. Pending applications, if any, stand disposed of.

01.04.2026

Divyanshi

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

(NIDHI GUPTA)

JUDGE