



**RSA-104-2021 (O&M)**

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

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**Date of Decision: May 23, 2025**

**GURDEEP SINGH @ GURDITT SINGH (NOW DECEASED)  
THROUGH LRS AND ANR** .....Appellants

Versus

**A.K. VAID AND OTHERS** .....Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Nikhil Chopra, Advocate for the appellants.

Mr. C.S. Bakshi, Advocate for the respondents  
(through video conferencing).

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**HARKESH MANUJA, J. (ORAL)**

By way of the present appeal, challenge has been laid to the judgments and decrees dated 28.02.2017 and 18.03.2020 passed by the Courts below whereby, a suit for declaration to the effect that respondent Nos.1 and 2 were joint owners in possession of 1/2 share of the land in question having been inherited from deceased-Mangat Ram s/o Amar Nath as son and widow respectively; Rapat No.182 dated 22.11.2004 (Ex. P-23) in Roznamcha Revenue of village Karimpura, tehsil Bassi Pathana, District Fatehgarh Sahib regarding cancellation of allotment of suit land in favour of Amar Nath s/o Moti Ram based on document dated 15.07.1976 (Ex.D1) further reflecting allotment in favour of defendant Nos.1 to 3 vide document dated 03.09.1976 (Ex.D2) were liable to be set aside being false, forged and fabricated thereby, conferring no right, title or interest upon them and consequently, the entries be corrected in the name of respondent Nos.1 and 2. It was further prayed that a decree for permanent injunction be also passed for restraining defendant Nos.1 to 3 including

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servants/agents thereby, restraining them from alienating the suit land in any manner as well as granting decree for possession in favour of respondent Nos.1 and 2.

2. Briefly stating, the facts pleaded in the plaint are that the predecessor-in-interest (grandfather) of plaintiff i.e. Amar Nath s/o Moti Ram was allotted half share of land measuring 208 kanals and 5 marlas situated at village Karimpura, Tehsil Bassi Pathana, District Fatehgarh Sahib in the year 1950 by the Rehabilitation Department. After the death of Amar Nath in the year 1955, the suit land was mutated in the name of Mangat Ram i.e. father of plaintiff and husband of defendant No.4 as joint owner in possession to the extent of half share. On 22.09.1991, Sh. Mangat Ram expired while, leaving plaintiff as his son and defendant No.4 as widow being his heirs. It has been further pleaded that since plaintiff got commissioned in the Indian Army on 22.12.1979 as thus being away from his native place could not get the necessary mutation entered regarding the suit land in his favour as well as in favour of proforma defendant No.4 and it was only two months back that the plaintiff came to know that defendant Nos.1 to 3 having prepared false and forged documents about cancellation of allotment in the name of Amar Nath; also about rappat No.182 dated 22.11.2004 with the Patwari Halqa, Village Karimpura, Tehsil Bassi Pathana, District Fatehgarh Sahib. It was pleaded that allotment made in the name of Amar Nath was never cancelled by the competent authority, nor the suit land was ever allotted in the name of defendant Nos.1 to 3 and thus, the documents relied upon in this regard were all false, forged and fabricated as such a declaration to this effect be granted in favour

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of plaintiff as well as defendant No.4 followed by declaring them to be the joint owner to the extent of half share of the land described in the plaint besides granting them a decree for joint possession as well as permanent injunction by restraining defendant Nos.1 to 3 from alienating the suit land in any manner.

3. Upon notice, defendant Nos.1 to 3 appeared and filed their written statement while submitting that the suit was barred by limitation. It was also submitted that since the matter related to allotment of land by the Rehabilitation Department, in the absence of State of Punjab through Department of Rehabilitation being party, the suit was liable to be dismissed on account of non-joinder of necessary parties especially when the other co-sharers of the suit land were even not impleaded. It was further pleaded that allotment in favour of Amar Nath was cancelled by the Department of Rehabilitation on 15.07.1976 and thereafter fresh Sanad allotment dated 03.09.1976 was issued in favour of defendant Nos.1 to 3 and post thereupon rappat No.182 dated 22.11.2004 was even entered in their name by the Patwari Halqa, village Karimpura, Tehsil Bassi Pathana, District Fatehgarh Sahib. It was also pleaded that neither the plaintiff, nor his predecessors even remained in possession of the property in question and thus, prayed for dismissal of suit. Replication to the written statement on behalf of defendant Nos. 1 to 3 was filed by the plaintiff having controverted the stand taken therein.

4. On the basis of the pleadings of the parties, following issues were framed by the Court below:-

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1. *Whether the plaintiff is entitled for possession of the property in dispute? OPP*
2. *Whether the plaintiff is entitled to the declaration as prayed for? OPP*
3. *Whether the plaintiff is entitled to Permanent Injunction as prayed for? OPP*
4. *Whether the suit is bad for non joinder of necessary parties?  
OPD*
5. *Whether the plaintiff is estopped by his own act and conduct to file the present suit? OPD*
6. *Whether the plaintiff has no locus standi to file the present suit? OPD*
7. *Whether the plaintiff has no cause of action to file the present suit? OPD*
8. *Whether this court has no jurisdiction to file the present suit?OPD*
9. *Whether the suit is not maintainable in the present form?  
OPD*
10. *Whether the suit is time barred? OPD*
11. *Whether the suit is under valued for purposes of court fee?  
OPD*
12. *Relief.*

5. The trial Court vide judgment and decree dated 28.02.2017 decreed the suit in favour of plaintiff by declaring him along with defendant No.4 as joint owners to the extent of  $\frac{1}{2}$  share of the property detailed in the plaint being successors of Amar Nath, having upheld his allotment by Rehabilitation Department, besides, awarding a decree for joint possession as well as for permanent injunction in their favour for, restraining defendant Nos.1 to 3 from alienating the suit property in any manner. A declaration was further granted to the effect that the order of cancellation of allotment of Amar Nath, passed on 15.07.1976 as well

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as the order dated 03.09.1976 regarding fresh allotment in favour of defendant Nos.1 to 3 being produced as Ex.D1 and Ex.D2 respectively, were false, forged and fabricated documents thereby, creating no right, title or interest in their favour and consequently, the rappat No.182 dated 22.11.2004 entered in the roznamcha revenue, Village Karimpura, Tehsil Bassi Pathana, District Fatehgarh Sahib was illegal, null and void. Legal objections raised by defendant Nos.1 to 3 about suit being barred by limitation and not maintainable on account of non-joinder of necessary parties were even rejected.

6. Upon challenge to the judgment and decree dated 28.02.2017 passed by the Addl. Civil Judge (Sr. Division), Fatehgarh Sahib, the same was upheld by the Court of District Judge, Fatehgarh Sahib vide judgment and decree dated 18.03.2020 consequently upholding the decree granted in favour of plaintiff as well as defendant No.4, hence the present appeal.

7. Impugning the aforementioned judgments and decrees passed by the Courts below, learned counsel for the appellants submits that the suit in hand for declaration and possession was barred by limitation as defendant Nos.1 to 3 always remained in possession of the property in question since last 70 years. It has also been submitted that on the basis of their long settled uninterrupted possession over the property in question, defendant Nos. 1 to 3 have become owner by way of adverse possession and as such the suit was liable to be dismissed. Learned counsel further submits that the findings recorded by the Courts below with respect to the documents dated 15.07.1976 (Ex.D1) and 03.09.1976 (Ex.D2) as well as rappat No.182 dated 22.11.2004

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(Ex.P-23) being forged and fabricated and thus, being illegal, null and void was not based on any cogent evidence. He also submits that though, document dated 15.07.1976 which was related to the cancellation of allotment of deceased Amar Nath and the document dated 03.09.1976 (Ex. D-2) i.e. the fresh allotment letter made in favour of defendant Nos.1 to 3 were signed by one Umrao Singh, Naib Tehsildar, whereas it was nowhere established on record that the person who appeared as PW-2 was the same Umrao Singh who actually signed these documents. Learned counsel for the appellants further submits that the entire finding on the issue of forgery of documents Exs.D-1, D-2 and Ex.P-23 was primarily based on the judgment dated 11.12.2015 passed by the learned J.M.I.C. whereby, defendant Nos.1 to 3 were convicted under Sections 465, 467, 471/477 read with Section 120-B of IPC for having committed forgery of aforementioned documents, whereas there was no other evidence available on record to establish such fact. He also points out that the decision dated 11.12.2015 (Annexure P-34) was under challenge before this Court and was never final so far and as such could not have been relied upon conclusively. Learned counsel for the appellants further submits that the plaintiff even failed to prove on record the allotment of suit land in the name of Amar Nath as the originals of Exs.P-2, P-3 and P-4 in Urdu Language were never proved on record. Moreover, those documents in Urdu language were got translated by PW-6, namely, Balwant Singh having proved the translated versions Exs.28, 29 and 30 respectively, in the absence of any proof on record that said Balwant Singh was fully conversant with Urdu Language. Mr.

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Chopra thus submits that the allotment of suit in favour of Amar Nath was never established on record. He also submits that only the revenue entries showing the allotment in the name of Amar Nath were proved whereas, in the absence of there being proof of any sanad allotment or any Court order in this regard, no declaration qua ownership could have been granted in favour of plaintiff. It has also been submitted that the aforesaid documents though, produced on record, were never pleaded by the plaintiff in the plaint and therefore cannot be relied upon. He also submits that no handwriting expert was produced by the plaintiff in order to prove any forgery committed by defendant Nos.1 to 3. Learned counsel for the appellants further submits that in the affidavit filed on behalf of PW-1, it was specifically stated that the suit land was given on Batai by their father Mangat Ram to defendant Nos.1 & 3 and Shingara Singh and thus, the civil Court had no jurisdiction to grant decree for possession. No other argument has been addressed, however, learned counsel relies upon following judgments passed by the Hon'ble Supreme Court in support of his submissions:-

- (i) **“Suraj Bhan and Others Vs. Financial Commissioner”** reported as 2007(6) SCC 186;
- (ii) **“Pralhad Pradhan and Others. Vs. Sonu Kumhar and Others”** reported as 2020(1) RCR(Civil) 70;
- (iii) **“Ramiah Vs. N. Narayana Reddy”**, Civil Appeal No.5864 of 1999, decided on 11.08.2004;
- (iv) **“Ravinder Kaur Grewal Vs. Manjit Kaur”**, Civil Appeal No.7764/2014, decided on 07.08.2019.

8. On the other hand, learned counsel for the plaintiff submits that once the documents Exs.P-2, P-3 and P-4 were proved on record

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by PW4 Amarjit Kumar O/o Director, Land Records, Punjab besides, even its translated version proved as Exs. P-28, 29 and 30, the allotment of subject land in favour of Amar Nath was fully established on record. He also submits that the entries of allotment were duly recorded even in the revenue record i.e. the subsequent jamabandis which were never challenged by defendant Nos.1 to 3 and thus, they were stopped from raising any such plea of laying challenge to allotment of suit land to Amar Nath. Learned counsel also submits that the factum of forgery of documents Exs.D-1 and D-2 were duly established on record as the same were never even found in the original records of the Rehabilitation Department, Government of Punjab besides, the signatures thereupon been specifically denied by the concerned Naib Tehsildar i.e. Umrao Singh while appearing as PW-2. Accordingly, it was prayed that the appeal was required to be dismissed.

9. I have heard learned counsel for the parties and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the appellants.

10. In the present case, right from inception, the original allotment of subject land in favour of Amar Nath has nowhere been disputed or denied by defendant Nos.1 to 3 either in their written statement or even while appearing in the witness box. Further, the revenue entries in the form of Jamabandis Exs.P8 to P16 which carry presumption of truth and are reflecting the names of Amar Nath and Mangat Ram in the column of ownership have been rightly relied upon by the Courts below as corroborative piece of evidence in favour of

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respondent Nos.1 and 2. In fact, Mangat Ram who happened to be the father of plaintiff has been continuously recorded as owner of the subject land in the jamabandis proved on record as Exs.P-8 to P-16 and was thus, more than sufficient to establish the case pleaded by the plaintiff towards the allotment of suit land in favour of his predecessor-in-interest, namely, Amar Nath. In such circumstances, mere fact that the Urdu translation of original allotment documents Exs. P-2, P-3 and P-4 was not proved on record through some accredited Urdu translator could not be considered fatal to the cause of the plaintiff, particularly when the own case set up by defendant Nos.1 to 3 was that the allotment of suit land was made in their favour upon its cancellation from Amar Nath, thus factually the allotment in favour of Amar Nath was even admitted and therefore, not in dispute.

Furthermore, no interference is even called for to the concurrent findings of fact recorded by the Courts below whereby, documents Exs.D-1 and D-2 which allegedly relate to the cancellation of allotment in favour of the predecessor-in-interest of the plaintiff on 15.07.1976 followed by its fresh allotment in the name of defendant Nos.1 to 3 on 03.09.1976 were held to be false, forged and fabricated as the same were never found forming part of the original records of the Rehabilitation Department of Government of Punjab as per deposition of PW-4 Amarjeet Kumar, Sr. Assistant, Office of Land Records, Jalandhar who specifically deposed in his examination-in-chief to the effect that no record pertaining to the cancellation of allotment of Amar Nath was found in the original records of the Rehabilitation Department. Moreover, the documents Exs.D-1 and D-2 as relied upon by defendant

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Nos.1 to 3 in their favour visibly and apparently bear signatures of one Umrao Singh being Naib Tehsildar, Patiala who was examined as PW-2 by the plaintiff and refused to admit or identify his signatures on these documents; in such circumstances, once the executant of the documents Exs.D-1 and D-2 happened to deny his signatures thereupon, defendant Nos.1 to 3 were at least required to prove the same by examining handwriting expert. In the absence thereof, the documents about cancellation of allotment to Amar Nath and fresh allotment in favour of defendant Nos. 1 to 3 were rightly held to be forged and fabricated one.

11. Additionally, no interference is even called for with the concurrent finding of fact recorded by the Courts below to the effect that rapat entry No.182 dated 22.11.2024 entered in the roznamcha revenue, Village Karimpura, Tehsil Bassi Pathana, District Fatehgarh Sahib made by the Patwari was not a valid entry as no document or order passed by any of the competent authority was ever produced or proved on record from the side of defendant Nos.1 to 3 preceding the said roznamcha entry and thus, the same was rightly held to be illegal, null and void. Further, the argument raised on behalf of appellants to the effect that decree for joint possession could not have been granted in favour of plaintiff by the Civil Court in the wake of deposition made by him in his affidavit of examination-in-chief while appearing as PW-1 to the effect that the land in question was given on Batai in favour of Ajit Singh-defendant No.1, Gurdit Singh-defendant No.2 and Shingara Singh son of Kartar Singh by his father has no merit. The appellants cannot be permitted to raise any such argument as no such submission

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was ever raised before either of the Courts below. Moreover, no such pleadings were there in the plaint of the suit land being under Batai tehai through the father of the plaintiff as such, any deposition even in examination-in-chief which travelled beyond the plaint was required to be ignored being beyond pleadings especially, when no such case was pleaded by defendant Nos.1 to 3 nor even was reflected through the revenue record available on the file. Lastly, the argument raised on behalf of the appellants to the effect that the suit filed at the instance of appellants was barred by limitation besides being not maintainable on account of misjoinder of necessary parties were liable to be rejected as the father of the plaintiff namely Mangat Ram was recorded to be owner of the property in question right from Jamabandi for the year 1958-59 till 2006-07 (Exs.P-8 to P-16).

12. Moreover, in the facts and circumstances of the present case wherein, Exs.D-1 and D-2 were held to be forged and fabricated documents being not forming part of the original record of the Rehabilitation Department, Government of Punjab, the actual cause of action arose in favour of plaintiff/respondent No.1 only on the basis of entry of Rapat No.182 dated 22.11.2004 by the Halqa Patwari and thus, suit in hand which was filed on 16.02.2008 cannot be held to be barred by limitation especially when the same was based on title. Furthermore, the plea raised on behalf of the appellants that they have become owner of the property in question by way of adverse possession is also liable to be rejected being devoid of merits as in the entire proceedings or evidence it has nowhere been pleaded or established that from which date/year their possession became adverse to that of

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owner/allottees/predecessor-in-interest of the plaintiff/respondent No.1. Even no such issue was ever pressed by the appellants before the Courts below, as such at this belated stage they were estopped from raising any such plea. Additionally, the suit cannot be held to be not maintainable on the ground of non-joinder of necessary parties for want of impleadment of Rehabilitation Department or even all the co-sharers of the suit land especially, when no relief was claimed by the plaintiff against Rehabilitation Department and as per settled proposition of law any one co-sharer can file suit for possession regarding the joint land.

Moreover, the judgment cited on behalf of appellants do not support their cause as in case of “**Suraj Bhan**” (supra) and “**Prahlad Pradhan and Others**” (supra), the exposition of law made by the Hon’ble Supreme Court is to the effect that the entries in the revenue records do not confer title, however, in the facts and circumstances of the present case, the revenue entries in the form of jamabandis Exs.P-8 to P-16 have merely been relied upon having corroborative value to the indirect admission made on behalf of defendant Nos.1 to 3 wherein, it has been pleaded that the allotment made in favour of Amar Nath was cancelled in the year 1976 and thereafter, reallocation was ordered in their name besides the allotment documents in favour of Amar Nath i.e. the predecessor-in-interest of the plaintiff-respondent No.1. been produced as Exs. P-2 to P-4. Furthermore, the decision rendered by the Hon’ble Apex Court in case of “**Ramiah**” (supra) could not apply to the given facts as in the said case, the ouster of plaintiff’s possession happened in 1971 whereas, the suit was filed in the year 1984 and hence, it was held to be barred by limitation whereas, in the present



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case, the entries made in the jamabandies Exs.P-8 to P-16 continuously recorded Mangat Ram i.e. the father of plaintiff-respondent No.1 to be the owner of the suit property and thus, the ouster of respondent No.1 or any of his predecessor was never established on record by the appellants. The law laid down by the Hon'ble Supreme Court in case of "**Ravinder Kaur Grewal**" (supra) even does not come to the rescue of appellants as in the present case, neither the plea of adverse possession was specifically raised nor pressed at the time of framing of issues. The defendants even did not plead any overt act on their part to oust respondent Nos.1 and 2.

13. Accordingly, in view of the detailed discussion made herein-above, finding no illegality or perversity with the concurrent findings of fact recorded by the Courts below, there being no overlooking of the material available on record; re-appreciation of pleadings and evidence being impermissible, the present appeal being devoid of merits is thus, dismissed.

**23.05.2025**

Tejwinder

**(HARKESH MANUJA)**  
**JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>