



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 4745 of 2017 (O&M)

Date of Decision: 02.05.2025

Dhup Singh and Others

... Appellant(s)

Versus

Balwan Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Umesh Kanwar, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The defendants No.1 to 4 assail the correctness of the concurrent findings of the facts arrived at by both the Courts below while decreeing the plaintiffs' suit for the grant of decree of declaration that they are the exclusive owner of Plot No.307 which fell to the share of Richhpal and Hazari Lal sons of Sarupa were the joint owners of a larger property to the extent of 1/3rd share which was divided by it and plot No. 307 fell to the share of Richhpal. Subsequently, Suresh Kumar, adopted son of Jagram filed a Civil Suit No. 892 of 1992 for possession by way of partition which was decreed on 18.02.1997 but it was declared that plot No. 307 fell to the share of Richhpal. In appeal, the judgment was upheld. Subsequently, Richhpal bequeathed the aforesaid plot in favour of the plaintiffs on 29.08.2005. The defendants No. 7, 8 and 9 sold the undivided share in plot No. 307. Hence, the plaintiffs, namely heirs of Richhpal filed a suit which has been decreed by both the Courts below.

2. The learned counsel representing the appellant submits that in the revenue record, the property was recorded as joint and therefore, they are entitled to the share in the property.

3. This Court has considered the submissions of the learned counsel representing the appellant.

4. It is evident that Suresh, adopted son of Jagram filed a suit for possession by way of partition in which it was recorded that plot No. 307 fell to the share of Richhpal. The aforesaid judgment was affirmed in appeal which became final. The findings recorded in a judgment is required to be preferred over the revenue record.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 02, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No