



RSA-2562-1993 (O&amp;M)

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

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**RSA-2562-1993 (O&M)  
Reserved on:-24.09.2025  
Date of Decision : 30.09.2025**

Liakat Singh

...Appellant

VERSUS

Buta Singh (since deceased) through LRs and Others

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Abhishek Kaushik, Advocate with  
Mr. Vijay K. Jindal, Advocate for the appellant.  
  
Mr. Amit Arora, Advocate for the respondents.

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**MANDEEP PANNU,J.**

1. This Regular Second Appeal has been preferred by the appellant/defendant challenging the concurrent findings recorded by the learned trial Court vide judgment and decree dated 11.06.1991, as affirmed by the learned lower appellate Court vide judgment and decree dated 09.06.1993, whereby the suit for possession filed by the plaintiffs/respondents has been decreed.

**Brief Facts**

2. The brief facts of the case are that the plaintiffs instituted a suit for possession of land measuring 13 marlas out of Khasra No. 78//10/2 (measuring 4 kanals), bounded on its southern side, bearing Khata No. 124/199 as entered in the Jamabandi for the year 1983-84, situated at village Dhand, Tehsil Tarn Taran. It



was their pleaded case that one Gurcharan Singh son of Bahadur Singh was the owner in possession of 4 kanals of land comprised in Khasra No. 78//10/2. He had purchased the said land from Parshotam Singh son of Nawab Singh, who was a co-sharer, vide sale deed dated 10.12.1984. This land formed part of the larger Khasra No. 78//10 and after mutation, it was separately denoted as Khasra No. 78//10/2. The said Gurcharan Singh thereafter sold the 4 kanals of land to the plaintiffs/respondents by registered sale deed dated 17.12.1985 and put them in possession.

3. It was further pleaded that the defendant had earlier filed a suit for permanent injunction against the plaintiffs in respect of the suit land, which was dismissed by judgment and decree dated 01.12.1986. The defendant preferred an appeal against the said judgment, but the same was also dismissed as withdrawn vide order dated 16.09.1987 with liberty to file a fresh suit for declaration. It was thereafter alleged that the defendant, without any right or title, forcibly occupied the suit land. He set up a plea of purchase through a sale deed dated 16.09.1985 allegedly executed by Jaskaran Singh son of Shamsheer Singh, but the plaintiffs denied the validity of the said sale, pleading that Jaskaran Singh neither had possession nor title over the suit land, since the entire Khasra No. 78//10/2 had already been alienated by Parshotam Singh in favour of Gurcharan Singh vide prior sale deed dated 10.12.1984. It was accordingly prayed that the plaintiffs, being lawful owners and having been dispossessed about two months earlier, were entitled to possession of the suit property.

4. The defendant contested the suit, denying the plaintiffs' claim. He asserted that Gurcharan Singh had no concern with the suit land and no saleable interest. It was pleaded that Parshotam Singh was not in possession of the land, as



such, he could not alienate it. It was further contended that even if any sale was made by him, the same was illegal, having been sanctioned behind the back of the defendant. The defendant claimed to be owner in possession of 13 marlas out of the suit land by virtue of registered sale deed dated 16.09.1985 executed by Jaskaran Singh, who was stated to be a co-sharer and owner in possession. The defendant admitted dismissal of his earlier injunction suit but reiterated that he was owner in possession on the strength of his purchase.

5. On the basis of the pleadings, issues were framed, and the parties led their respective evidence.

1. Whether Gurcharan Singh was the owner in possession of the land measuring 4 kanals as mentioned in para No.1 of the plaint? OPP

2. In case issue No.1 is proved in the affirmative, as to whether Gurcharan Singh sold the suit land in favour of the plaintiffs vide sale deed dated 17.10.1985 and they are the owners thereof? OPP

3. Whether defendant No.1 purchased the suit land from Jas Karan Singh through a sale deed dated 16.09.1985, if so to what effect? OPP

4. Whether the plaintiffs are entitled to the possession of the suit land? OPP

5. Relief.

6. The plaintiffs brought on record sale deed dated 10.12.1984 (Ex.P2) executed by Parshotam Singh in favour of Gurcharan Singh in respect of 4 kanals of land in Khasra No. 78//10, Jamabandi for the year 1983–84 (Ex.P3) showing Parshotam Singh as co-sharer and Gurcharan Singh in possession as tenant, and the relevant mutation No. 3551 regarding the aforesaid sale. They also produced sale deed dated 17.10.1985 (Ex. P1) executed by Gurcharan Singh in their favour for



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the said 4 kanals. Khasra Girdawris Ex. P7 and P8 reflected possession of Gurcharan Singh from Kharif 1984 up to Rabi 1986. Plaintiffs further produced judgment dated 01.12.1986 (Ex.P4) dismissing the defendant's earlier injunction suit and order dated 16.09.1987 (Ex. P6) dismissing the appeal as withdrawn.

7. The defendant, on the other hand, relied upon sale deed dated 16.09.1985 (Ex. D1) executed by Jaskaran Singh in his favour for 13 marlas out of the land in Khasra No. 78//10, along with revenue records Ex.D2 and D3 showing his possession from 1988–89 onwards.

**Findings of the trial Court**

8. The learned trial Court, after appreciating the evidence, decreed the suit. On Issue No. 1, it was held that Gurcharan Singh was proved to be the owner in possession of 4 kanals including the suit land measuring 13 marlas by virtue of sale deed Ex. P2 dated 10.12.1984 executed by Parshotam Singh in his favour, coupled with Jamabandi Ex. P3 and Khasra Girdawris showing his possession. On Issue No. 2, it was held that Gurcharan Singh had validly sold the said land to the plaintiffs vide sale deed Ex.P1 dated 17.10.1985, which stood duly proved. On Issue No. 3, the trial Court noticed the execution of the sale deed Ex. D1 dated 16.09.1985 by Jaskaran Singh in favour of the defendant of 4 kanals of land comprised in khasra No.78//10 but held that it conveyed no title, as Jaskaran Singh was left with no transferable interest once Parshotam Singh had already sold the entire 4 kanals comprising Khasra No. 78//10/2 to Gurcharan Singh in 1984. Accordingly, the suit was decreed.

**Findings of the lower appellate Court**

9. The lower appellate Court, on reappraisal of the record, affirmed these findings. It observed that the plaintiffs had placed cogent documentary evidence



establishing ownership and possession through Gurcharan Singh. Jamabandi Ex.P3 and Khasra Girdawris Ex.P4, P7 and P8 showed possession of Gurcharan Singh even prior to his purchase, indicating his tenancy, which ripened into ownership after sale deed Ex.P2. Sale deed Ex.P1 proved transfer in favour of the plaintiffs.

10. The appellate Court held that the defendant had failed to establish any valid title through Ex. D1, as Jaskaran Singh had no right to sell land already alienated by his co-sharer Parshotam Singh. The change of Girdawri entries in favour of the defendant in Ex.s D2 and D3 was held to be manipulated and not supported by any order of competent authority. Finding no merit in the appeal, it was dismissed.

11. Aggrieved, the defendant has filed the present Regular Second Appeal.

**Submissions of learned counsel for the appellant**

12. Learned counsel for the appellant contends that the Courts below have erred in ignoring the sale deed Ex.D1 executed by Jaskaran Singh, which conveyed ownership to the appellant. It is urged that the subsequent revenue entries Ex. D2 and D3 showing the appellant in possession constitute the best evidence of actual possession, and the Courts below wrongly brushed them aside as manipulated. It is further argued that once the appellant was reflected in possession and had title through a registered sale deed, the plaintiffs could not succeed in a suit for possession.

13. *Per contra*, learned counsel for the respondents/plaintiffs has supported the concurrent judgments and argued that the sale deed dated 10.12.1984 Ex.P2 was prior in time and conferred valid title on the plaintiffs through their predecessor Gurcharan Singh. It is submitted that Jaskaran Singh had no subsisting



right or possession over the land on 16.09.1985, and thus Ex.D1 conferred no title. The revenue entries relied upon by the defendant are subsequent, manipulated and not supported by any order, whereas the plaintiffs' title is supported by registered conveyances and contemporaneous records.

### **Findings of this Court**

14. I have considered the respective submissions of learned counsel for the appellant/defendant and the respondents/plaintiffs, and carefully gone through the evidence and documents produced on the record. The plaintiffs/respondents have sought possession of land measuring 13 marlas out of Khasra No. 78//10/2, (0-4K), situated at village Dhand, Tehsil Tarn Taran, claiming ownership through registered sale deeds and prior possession, whereas the defendant/appellant claims ownership of the suit land measuring 13 marlas through another registered sale deed dated 16.09.1985 executed by Jaskaran Singh son of Shamsheer Singh.

15. Since, it is a suit for possession based on title, it is necessary at the outset to examine whether the plaintiffs have succeeded in proving their title. The plaintiffs have relied upon sale deed Ex.P2 dated 10.12.1984 executed by Parshotam Singh son of Nawab Singh, a co-sharer in the property, in favour of Gurcharan Singh son of Bahadur Singh. This sale deed specifically conveys 4 kanals of land comprised in Khasra No.78//10, situated in village Dhand. It is significant that this very land, upon sanction of mutation, came to be separately described as Khasra No.78//10/2. The Jamabandi for the year 1983-84, Ex.P3, supports this position, showing Parshotam Singh as co-sharer and Gurcharan Singh as in possession as tenant (*gair marusi*). Mutation No.3551 regarding the sale of 4 kanals of land by Parshotam Singh to Gurcharan Singh also finds mention in the Jamabandi, thereby corroborating the transaction.



16. Having thus acquired ownership by way of Ex.P2 dated 10.12.1984, Gurcharan Singh proceeded to transfer the same parcel of land measuring 4 kanals comprised in Khasra No. 78//10/2 in favour of the present plaintiffs Buta Singh, Gurmeet Singh and Shamsher Singh vide registered sale deed Ex. P1 dated 17.10.1985. This sale deed records transfer of ownership rights and delivery of possession to the plaintiffs. The plaintiffs have also placed on record Khasra Girdawri entries Ex.P7 and P8 which reveal that Gurcharan Singh, their predecessor-in-interest, continued in cultivating possession of Khasra No.78//10/2 from Kharif 1984 up to Rabi 1986. Thus, there is a clear and consistent chain of ownership from Parshotam Singh to Gurcharan Singh (Ex. P2 dated 10.12.1984) and thereafter from Gurcharan Singh to the plaintiffs (Ex. P1 dated 17.10.1985).

17. In contrast, the defendant relies upon sale deed Ex. D1 dated 16.09.1985 executed by Jaskaran Singh son of Shamsher Singh, whereby 13 marlas out of Khasra No. 78//10 were purportedly sold to the defendant. The crucial question, therefore, is whether Jaskaran Singh was competent to convey any valid title over the suit land on 16.09.1985. The answer, in my considered opinion, is in the negative. The entire 4 kanals comprised in Khasra No. 78//10/2 had already been alienated by Parshotam Singh, co-sharer, in favour of Gurcharan Singh on 10.12.1984, nearly nine months prior to the sale in favour of the defendant. Once such sale deed Ex. P2 was executed, Jaskaran Singh was left with no subsisting interest in Khasra No. 78//10/2. Therefore, Ex. D1 dated 16.09.1985 could not and did not confer any valid title upon the defendant.

18. It is true that the defendant has relied upon revenue entries, Ex.s D2 and D3, Khasra Girdawris of 1984–89 and 1989–90, showing his possession. However, it is a settled proposition that revenue entries are only relevant for fiscal



purposes and, though admissible, do not by themselves create or extinguish title. More importantly, the defendant has not produced any order of competent revenue authority to show how and under what circumstances the possession entries came to be corrected in his favour. On the other hand, the plaintiffs' case rests upon two registered sale deeds Ex. P2 dated 10.12.1984 and Ex.P1 dated 17.10.1985 supported by Jamabandi Ex. P3, mutation entry No. 3551, and Khasra Girdawri Ex. P7 and P8 reflecting actual possession of Gurcharan Singh. In the face of such cogent and contemporaneous documentary evidence, the belated and unexplained change of girdawri in favour of the defendant cannot be given any legal weight.

19. The defendant's plea that Gurcharan Singh had no concern with the land and that Parshotam Singh had no saleable interest also cannot be accepted. Ex. P2 conclusively shows that Parshotam Singh was a co-sharer and had transferred his share measuring 4 kanals in Khasra No. 78//10 to Gurcharan Singh. The Jamabandi Ex. P3 corroborates the ownership of Parshotam Singh and the possession of Gurcharan Singh. Once a co-sharer conveys his share, the transferee steps into his shoes and acquires ownership rights, subject to partition. Therefore, Gurcharan Singh validly acquired ownership and thereafter conveyed the same to the plaintiffs.

20. The plaintiffs have further fortified their case by producing judgment Ex.P4 dated 01.12.1986 whereby the suit for permanent injunction filed by the present defendant against the plaintiffs was dismissed. In the said judgment, the defendant's claim of exclusive possession was negated. Ex. P6, the order dated 16.09.1987 dismissing the appeal as withdrawn, also goes against the defendant. Thus, not only documentary evidence but also earlier judicial proceedings corroborate the plaintiffs' ownership and possession.



21. On the contrary, the defendant has not adduced any cogent evidence to prove his ownership. His claim rests solely on Ex.D1, which is subsequent in time to Ex. P2, and therefore, ineffective, and on Ex.D2 and D3, which are mere entries without any supporting order. The finding of the Courts below that Ex. D1 could not convey any valid title because Jaskaran Singh was left with no transferable interest after 10.12.1984 is fully justified.

**Conclusion**

22. In view of the above discussion, I am of the considered opinion that the concurrent findings of fact recorded by the Courts below are based on proper appreciation of evidence and do not suffer from any perversity. The plaintiffs/respondents have established their ownership over suit property being part of Khasra No. 78//10/2 measuring 4 kanals through registered sale deeds Ex.P2 dated 10.12.1984 and Ex.P1 dated 17.10.1985, and having proved their title, they are entitled to possession of 13 marlas also out of the said khasra number. The defendant/appellant, on the other hand, has failed to substantiate his plea of ownership or possession on the basis of Ex. D1 dated 16.09.1985 or subsequent girdawri entries. The doctrine of priority of conveyance applies squarely in favour of the plaintiffs, whose title is prior in time and superior in law.

23. Accordingly, finding no substantial question of law arising for determination in this appeal, the present Regular Second Appeal is dismissed.

24. Pending application(s), if any, also stands disposed of.

September 30, 2025  
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(MANDEEP PANNU)  
JUDGE

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No.