



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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122

RSA-275-2022

Date of Decision.:20.01.2025

Shri Bhagwan and another

.....Appellants

Vs.

Ram Kishan and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Ajay Kumar Yadav, Advocate for  
Mr. R.N. Lohan, Advocate for  
the appellants.

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**DEEPAK GUPTA, J. (ORAL)**

Suit for declaration filed by as many as 08 plaintiffs was dismissed by the trial Court on 04.07.2016 and the appeal filed by them was dismissed by the First appellate Court of learned Additional District Judge, Hisar vide judgment dated 14.01.2020.

2. Against the aforesaid concurrent findings, two of the plaintiffs have approached this Court by way of present Regular Second Appeal by impleading rest of the plaintiffs as proforma respondents.

3. One Sura Ram was the owner of 1/3<sup>rd</sup> share in the land measuring 601 Bigha 15 Biswa situated at Mauja Sorkhi, Tehsil Hansi, District Hisar as per details given in the plaint. After his death in 1942, his mutation of inheritance bearing No.532 was entered in the name of his five sons namely Sanjhi Ram, Guljari, Teku, Tara Chand and Jugti.

4. Present *lis* is regarding 1/5<sup>th</sup> share, which had devolved upon Sanjhi Ram. Sanjhi Ram was married to Burji. After the death of Sanjhi Ram on 25.06.1946, daughter to him namely, Bichhwa @ Fimo was born on



05.12.1946 as at the time of death of Sanjhi Ram, she was in the womb of her mother Smt. Burji. Plaintiffs i.e. appellants and proforma respondents are the children of Smt. Bichhwa @ Fimo and are thus, the maternal grandchildren of deceased Sanjhi Ram.

5. The grievance of the plaintiffs is that after the death of Sanjhi Ram, his other brothers i.e. Guljari, Teku, Tara Chand and Jugati grabbed the 1/5<sup>th</sup> share of their brother Sanjhi Ram, thus depriving Burji Devi widow of Sanjhi Ram of her property, on the pretext that she had solemnized karewa marriage with Guljari, the brother of Sanjhi and on which basis rapat No.337 was entered. The share of Sanjhi was mutated in the name of Guljari by virtue of a mutation No.801 dated 12.07.1955 (Ex.P5). Plaintiffs assailed the said mutation dated 12.07.1955 (Ex.P5) and all the consequent record to be illegal on the ground that their maternal grandmother i.e. Burji had never performed karewa marriage with Guljari and that impugned mutation No.801 dated 12.07.1955 was got incorporated by playing fraud upon Burji.

6. Defendants, who are the legal heirs of four other brothers of Sanjhi Ram contested the suit.

7. Both the Courts below have dismissed the suit of the plaintiffs by holding that they failed to prove their case.

8. Assailing the aforesaid findings, it is contended by learned counsel that trial Court and the Appellate Court failed to appreciate the evidence inasmuch as mutation No.801 dated 12.07.1955 was based upon fraud and that defendants had failed to prove karewa marriage of Burji with Guljari.

9. After hearing learned counsel for the appellants, this Court does not find any merit in this appeal.

10. It is not in dispute that mutation No.801 dated 12.07.1955



(Ex.P5) was sanctioned on account of the fact that Smt. Burji, who was earlier married to Sanjhi, had performed karewa marriage with Guljari. As has been noticed by the Courts below, Burji had expired in 2002 and during her lifetime, she never challenged the factum of her karewa marriage with Sanjhi; nor she ever challenged the entries contained in mutation No.801 dated 12.07.1955. Even the mother of the plaintiffs i.e. Bichhwa @ Fimo, who expired on 2008, never challenged the fact that during her lifetime, her mother Burji had performed karewa with the Guljari nor she challenged mutation No.801 dated 12.07.1955. The Courts below have rightly held that in these circumstances, plaintiffs who are successor in interest of Bichhwa, have no legal right to assail the karewa marriage between Burji and Guljari after 60 years.

11. This Court does not find any fault in the aforesaid concurrent findings returned by the Courts below, which are based upon proper appreciation of evidence. As such, there is no scope for interference in the concurrent findings recorded by the Courts below.

No merits. Dismissed.

**(DEEPAK GUPTA)**  
**JUDGE**

**January 20, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No