



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.881 of 2013 (O&M)

Date of Order:02.05.2025

Gopi Ram (since deceased) through LRs

.Appellant

Versus

Smt. Jamna Bai (since deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Verma, Advocate
for the appellant.

Mr. Hakam Singh, Advocate and
Mr. Lekh Raj Dhot, Advocate
for respondent no.1 to 3.

ANIL KSHETARPAL, JUDGE (Oral)

1. The plaintiff assails the correctness of the First Appellate Court's order which in turn has reversed the judgment of the trial court.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Late Shri Ram, who died in the year 1960, was recorded as tenant (Gair Marusi on Batai Tihai) with respect to land measuring 29 kanals and 13 marlas. Even after the death of Shri Ram in the year 1960, the entries in the revenue record continued to reflect that late Shri Ram is in possession. After the death of Shri Ram, names of his three sons, Dayal, Gopi Ram and Hari were incorporated in the column of cultivation. However, in the year 1974, Dayal Singh exclusively was recorded as a tenant in possession of the entire suit property , namely 29 kanals and 13 marals.



4. In the year 1994, Dayal Singh son of Shri Ram also surrendered/relinquished his tenancy rights by handing over possession vide Rapat No.202, to the owner.

5. The respondents purchased the property by virtue of two sale deeds dated 18.05.2006 and 21.12.2009. Gopi son of Shri Ram filed a suit for correction of entry in the year 2002, which was decreed by the trial court, however, reversed by the First Appellate Court.

6. The learned counsel representing the appellant submits that on the death of Shri Ram, his three sons inherited the tenancy. He submits that thus Gopi Ram inherited 1/3rd share in the land measuring 29 kanals and 13 marlas because the tenancy is heritable.

7. This court has considered the submissions of the learned counsel representing the parties.

8. On the death of Shri Ram, his three sons jointly inherited the tenancy. There is no splitting of tenancy between the three brothers. Subsequently, Dayal Singh was only reflected as a tenant in the year 1974. The appellant-Gopi never made any grievance. In the year 1994, Dayal Singh surrendered possession thus, the family or Dayal Singh son Shri Ram were no longer in possession of the property.

9. The appellant-Gopi has also failed to prove that he remained in actual physical possession of the property or paid any rent to the owner(s) from 1960 till 2002.

10. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

11. Dismissed.



12. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

May 02, 2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No