



RSA-2672-2024(O&M)

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

RSA-2672-2024(O&M)

Date of decision:02.07.2025

Harbhajan Singh (now deceased) through LRs and others

..Appellants

Versus

Shanti Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amit Jain, Sr. Advocate with
Mr. Varun Prakash, Advocate for the appellants

Ms. Vaishali Kamboj, Advocate for respondent no.1 & 5

Mr. R.S.Budhwar, Advocate for respondent No.2(i), 2(iii)
4, 6 & 7**ANIL KSHETARPAL, J. (Oral)**

1. The plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for the grant of decree of declaration to the effect that mutation entered on the basis of civil court decree dated 25.09.1981 is null and void.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. Satpal and Bhag Singh, two brothers were co-sharers in a joint khata. Satpal sold 7 bighas of land in favour of the plaintiff on 06.03.1979. Bhag Singh filed the suit for possession by way of pre-emption on the ground that he has superior right to purchase being a



co-sharer in the joint land, which was decreed on 25.09.1981. The aforesaid decree was implemented and became final. Thereafter, the plaintiff purchased total 6 bighas of undivided/unpartitioned land by virtue of two sale deeds dated 18.12.1990 and 28.02.1992 respectively from heirs of Bhag Singh. Vide mutation nos.484 and 485, the sale deeds were entered in the revenue record. The revenue authorities in order to give effect to the decree dated 25.09.1981 subsequently sanctioned mutation no.451, which was previously not sanctioned. The plaintiff filed a suit for declaration to the effect that mutation no.451 is null and void, which has been dismissed by both the courts below.

4. Learned counsel representing the appellants submits that in the garb of mutation no.451, the entry in favour of the plaintiff, with respect to possession, will stand removed. He submits that now after a passage of more than 20 years, mutation no.451 on the basis of decree dated 25.09.1981, could not be sanctioned.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. There is no dispute with regard to the decree dated 25.09.1981 passed in favour of Bhag Singh, who stepped into the shoes of the plaintiff, such decree passed by the Court is required to be entered in the revenue record. Moreover, the plaintiff subsequently purchased 6 bighas of land by virtue of 2 sale deeds. This 6 bighas of land constitutes an undivided share in the joint khata. Hence, the remedy available to the plaintiff is to file a suit for partition in order to



get his share separated. There is neither any declaration by the revenue authorities nor any sale deed in his favour has been set aside. The plaintiff has only sought declaration that mutation no.451, which has been entered on the basis of civil court decree dated 25.09.1981, is null and void. In view of the limited prayer made by the plaintiff, the suit filed by the plaintiff has correctly been dismissed by both the courts below.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

02.07.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No