

**IN THE COURT OF TARANNUM KHAN,  
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION),  
PATAUDI (GURUGRAM) (UID No.HR0360).**

CNR No. HRGRB00726-2017  
CIS No. CS/530/2017  
Civil Suit No. 726 of 2017  
Date of Institution:14.12.2017  
Date of Decision: 25.08.2022

Manoj Kumar son of Jai Singh @ Jay Singh son of Ram Karan, age 45 years, resident of village Uncha Majra, Tehsil Pataudi and District Gurugram.

.....Plaintiff

Versus

1. State of Haryana through District Collector Gurugram, office at Mini Secretariat Gurugram.
2. Revenue officer Tehsil Pataudi, office at Mini Secretariat Pataudi.
3. Halqua Patwari of village Uncha Majra, Tehsil Pataudi and District Gurugram.

.....Defendants

**SUIT FOR DECLARATION**

Argued by: Shri Sandeep Yadav, counsel for the plaintiff.  
Shri Sunil Kumar, GP defendant assisted by Sh. Virender,  
Patwari, for defendants.

**JUDGMENT:**

1. The plaintiff has filed the present suit for a decree of declaration to the effect that real name of plaintiff is Manoj Kumar may kindly be passed in favour of plaintiff and defendants may kindly be directed to correct the name of plaintiff by entering Manoj Kumar in place of Udai Ram in the record of properties referred in para no. 1 of the plaint by passing the decree for mandatory injunction in favour of the plaintiff.
2. It is the case of the plaintiff that the plaintiff and his brother both are recorded co-sharers in joint possession of immovable properties to

the extent of their shares jointly in khewat no. 232, khata no. 243, Rect. No. 38, killa no. 12 (2-17), 1/171 share, khewat no. 233, khata no. 244, Rect no. 38, killa no. 13 (7-10), 101/1512 share, khewat no. 234, khata no. 243, rect. no. 38, killa no. 18(5-2) to the extent of 1381 share, khewat no. 235, khata no. 246, Rect. No. 38, kila no. 4/2 (1-7), 7/1(4-16), 14 (8-0), 15 (8-0), 26 (0-11), total kita 5 total land 22 kanal 14 marla to the extent of 1/15 share, khewat no. 236, khata no. 247, Rect. No. 38, ,kila no. 17/2 (4-4) to the extent of 17/630 share, khewat no. 343, khata no. 355, Rect No. 38, kial no. 5 (2-4), and killa no. 6(8-0) total kita 2 total land 10 kanal 4 marla to the extent of 1/15 share. All the land referred above is situated within the revenue estate of village Uncha Majra, Tehsil Pataudi and District Gurugram. That the real name of the plaintiff is Manoj Kumar @ Manoj and his identity proofs et. Manoj Kumar but in the revenue record name of the plaintiff is coming recorded wrongly as Udai Ram. That the wrong name of the plaintiff is still exists in the revenue record. Thus the necessity arises to get the name of plaintiff corrected in the revenue record. That, if the name of the plaintiff is not corrected in the revenue record, then an irreparable loss would be caused to the plaintiff which may not be compensated in terms of money or otherwise. That the cause for filing present suit firstly arose on 15.07.2017 when the plaintiff got the copy of jamabandi for his personal use and the fact of wronog name of plaintiff first time came within the notice of the plaintiff. Thereafter, cause of action arose several times when the plaintiff requested the defendants to correct the name of the plaintiff in the revenue record but

the defendants have initially delayed the matter by taking false excuses and in November 2017, the defendant finally refused to correct the name of the plaintiff in the revenue record and cause of action is till continuing. Hence, the present suit has been filed.

3. On notice, joint written statement was filed on behalf of defendants no. 1, 2 & 3 thereby, controverting the suit of the plaintiff on several preliminary objections like maintainability, locus standi, cause of action, concealment of true and material facts etc.

**On merits,** it is wrong and denied that it is denied that the real name of the plaintiff is Manoj Kumar @ Manoj and his identity proofs etc. Manoj Kumar but in the revenue record name of the plaintiff is coming recorded wrongly as Udai Ram. Further denied that name of the plaintiff is till exists in the revenue record. It is also denied that thus, the necessity arises to get the name of plaintiff corrected in the revenue record. It is denied that cause of action arose several times when the plaintiff requested the defendants to correct the name of the plaintiff in the revenue record but the defendants have initially delayed the matter by taking false excuses and in November, 2017 the defendant finally refused to correct the name of the plaintiff in the revenue record and cause of action is still continuing. Remaining averments made in the plaint has prayed for dismissal of the suit of the plaintiff.

4. Replication was not filed by the plaintiff. On the basis of the pleadings of the parties, following issues were framed :

1. Whether the plaintiff is entitled to the decree for declaration alongwith with consequential relief of permanent injunction and mandatory injunction as prayed for ? OPP

2. Whether the plaintiff has no cause of action and locus standi to file the present suit? OPD.

3. Whether the suit of the plaintiff is not maintainable in the present form?OPD

4. Whether the plaintiff has concealed the material facts from the court?OPD.

5. Whether the plaintiff is estopped from filing the present suit by his own act, conduct, acquiescence and admission? OPD

6. Whether the suit of the plaintiff is bad for non-joinder of necessary parties?

7. Whether the suit of the plaintiff is barred by law of limitation?OPD

8. Relief.

5. Both the parties were given the opportunities to lead evidence in support of their rival contentions.

6. In order to prove his case, the plaintiff Manoj Kumar has got examined himself as PW1 and tendered his affidavit Ex.PW1/A wherein he has reiterated the facts as mentioned in the plaint which are not summarized for the sake of brevity.

The plaintiff has also got examined Ram Singh, and Udaibir , brother of the plaintiff as PW2 & PW3 and have tendered their affidavits Ex.PW2/A & Ex. PW3/A respectively.

Thereafter, the evidence of the plaintiff was closed by the learned counsel for the plaintiff, vide his separate statement, after tendering the following documents:

|       |                                                    |
|-------|----------------------------------------------------|
| Ex.P1 | Copy of jamabandi for the year 2014-2015           |
| Ex.P2 | Copy of matriculation certificate of the plaintiff |
| Ex.P3 | Copy of voter card of the plaintiff                |

|        |                                      |
|--------|--------------------------------------|
| Ex.P4  | Copy of pan card of the plaintiff    |
| Ex.P5  | Copy of Aadhar card of the plaintiff |
| Ex. P6 | Copy of ration card of the plaintiff |

7. In order to rebut the case of the plaintiff, the defendant has tendered the affidavit and authority letter Ex. DW1/A & Ex. D1 and closed evidence on behalf of defendant, duly authorized by the Teshildar concerned wherein he controverted the case of the plaintiff.

8. No evidence was led by the plaintiff in rebuttal and the same was closed by the learned counsel for the plaintiff, vide his separate statement.

9. I have heard the learned counsel for the parties and have gone through the case file. My issue-wise findings along with reasons thereon, are as under:

**ISSUE No. 1:**

10. The onus to prove these issue no. 1 is placed upon the plaintiff. In order to discharge his burden, the plaintiff himself stepped into the witness box as PW1 and tendered his affidavit Ex.PW1/A wherein he has reiterated the facts as mentioned in the plaint which are not summarized for the sake of brevity. However, the learned counsel for plaintiff has argued that the plaintiff is absolute owner in possession over the suit land as mentioned in the para no. 1 of the plaint which is duly proved by Ex. P1 copy of the jamabandi for the year 2014-2015. It is further argued that as per the documents Ex. Ex. P2 to Ex. P6, the correct name of the plaintiff is Manoj Kumar son Jai Singh, however, the same has been wrongly incorporated as

Udai Ram son of Jai Singh which is evident from Ex. P1, copy of the jamabandi for the year 2014-15. Further argued that if the said mistake is not rectified, the plaintiff is likely suffer several complications in near future and has prayed for the decretal of the suit.

11. On the other hand, to rebut the case of the plaintiff, the defendant no. 1 tendered his authority letter and has controverted the case of the plaintiff. The learned GP for the state has argued that the name of the plaintiff is not wrongly entered as Udai Ram in the revenue record. It is further, argued that the plaintiff has not made any representation to the concerned authority regarding effecting necessary correction. The plaintiff has no cause of action, therefore, the suit of the plaintiff is liable to be dismissed.

12. After above discussion and giving throughout consideration to the arguments advanced by both the counsels and perusing the records very carefully and minutely this court is of the considered view that the plaintiff has successfully discharged the burden placed upon him.

By way of filing the instant suit the plaintiff has sought declaration to the effect that his correct name is Manoj Kumar son of Jai Singh which has been wrongly entered as Udai Ram Chand son of Hira Singh in the revenue record and thus is liable to be corrected. To support his assertion the plaintiff has relied upon Ex. P2 to Ex. P5 i.e. copies of the Matriculation certificate, voter card, pan card, Aadhar card, and ration card of the plaintiff wherein the name of the plaintiff has been recorded as Manoj

Kumar son of Jai Singh. However, in the revenue record i.e. the jamabandi for the year 2014-15 the name of the plaintiff is reflected as Udai Ram son Jai Singh. Further, ration card Ex. P6 clearly shows that Manoj Kumar son of Jai Singh was head of the family. As per school record also name of the plaintiff is Manoj Kumar son of Jai Singh which Ex. P2 on the file. Therefore, it is clear that the name of the plaintiff and on other documents Ex. P-2 to Ex. P-6 is Manoj Kumar son of Jai Singh. Therefore, it is duly proved that the name of the plaintiff has not been recorded in the revenue record correctly as per his remaining documents Ex. P2 to Ex. P6 as placed on the file. PW-2 Ram Singh of the villager also endorsed that name of the plaintiff is wrongly recorded in the revenue recorded as Udai Ram whereas the original name is Manoj Kumar. Moreover, brother of the plaintiff namely Udaibir also appeared in the witness box as PW-3 also stated that name of his brother is Manoj Kumar and same has been wrongly recorded in the revenue record. If the alleged mistake is not rectified and same is allowed to be continued it will certainly affect civil rights of the plaintiff and will cause undue hardship to him in the future. Therefore, necessary rectification in this regard is required to be effected by the defendants. Accordingly, on the basis of the above discussion, issue No.1 is decided in favour of the plaintiff and against defendants.

### **ISSUES No. 2 to 7**

13. The onus to prove these issues are placed upon the defendants. As a sequel of my above discussion on issue No.1. The suit of the plaintiff is

cause of action and locus standi to file present suit, the suit of the plaintiff is maintainable, the plaintiff no concealment of true material facts from the court, the suit of the plaintiff is not estoppel from the filing the present suit, not bad for non-joinder and mis-joinder and barred by limitation. Therefore, these issues is decided against the defendants and in favour of the plaintiff.

**ISSUE No.8 (RELIEF) :**

14. As a sequel to my findings on the foregoing issues, the suit of the plaintiff succeeds and the same is hereby decreed with no order as to costs to the effect that the defendants are hereby directed to affect necessary correction in the name of the plaintiff as Manoj Kumar @ Udai Ram son of Jai Singh at earliest on getting copy of this judgment. Hence, defendant is directed to correct the name of the plaintiff in the jamabandi for the year 2014-2015 qua the suit property as mentioned in the plaint and subsequent record to the jamabandi, if any. Decree-sheet be prepared accordingly. File be consigned to record room after due compliance.

Pronounced in open Court:  
Dated:25.08.2022  
*Radhakant,*  
*stenographer-GII*

(Tarannum Khan)  
Additional Civil Judge (Senior Division),  
Pataudi. (UID No.HR0360)

Note: This judgment comprises of eight pages and each has been checked and signed by me.

(Tarannum Khan)  
Additional Civil Judge (Senior Division),  
Pataudi. (UID No.HR0360)