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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM (M) 1473/2019 and CM APPL. 44757/2019, 44758/2019**

PARVEEN & ORS.

..... Petitioners

Through: Mr. Abhimanyu, Advocate (M:
9717960907).

versus

JAMNA DASS & ANR.

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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11.10.2019

1. This petition challenges the order dated 5th August, 2019 by which the Id. Trial Court dismissed the Petitioners'/Plaintiffs' (*hereinafter*, "*Plaintiffs*") application under Order XXXIX Rules 1 and 2 CPC. The rationale given by the Id. Trial Court is that the revenue records do not confer any title and hence, in the absence of any other proof, the Plaintiffs' rights cannot be upheld, even at the *prima facie* stage.
2. Id. counsel for the Plaintiffs relies upon Section 44 of the Punjab Land Revenue Act, 1987 and the judgment of the Hon'ble Supreme Court in ***Mansu v. Shadi Ram, AIR 1996 SC 1818*** to submit that in the absence of any rebuttal evidence being led by the Respondents/Defendants (*hereinafter*, "*Defendants*"), revenue records should be considered as confirming title. He fairly concedes that the judgment of the Hon'ble Supreme Court in ***Jattu Ram v. Hakkam Singh & Ors., AIR 1994 SC 1653*** does make an observation that *Jamabandi* entries are only for fiscal purpose and they create no title.



3. Issue notice to the Defendants, returnable on 7th February, 2020. In addition, let notice be issued to the ld. counsel appearing for the Defendants in the ld. Trial Court.
4. In the meantime, *status quo* be maintained as to title and possession of the suit property being Khasra No. 499, Village Mamurpur, Narela, Delhi.
5. Ld. counsel for the Plaintiffs is permitted to place on record a synopsis.
6. List on 7th February, 2020.

PRATHIBA M. SINGH, J.

OCTOBER 11, 2019
MR