

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4577 OF 2024

AMAR SINGH (D) THR. LRs AND OTHERS

... APPELLANT(S)

VERSUS

RAGHBIR SINGH (D) THR. LRs AND OTHERS

... RESPONDENT(S)

ORDER

1. The present Appeal arises out of a suit for declaration and joint possession instituted as Civil Suit No. 19 of 1982¹ by the plaintiffs, who are the appellants before this Court. The suit was instituted before the Court of the Subordinate Judge, First Class, Fatehgarh Sahib (hereinafter referred as 'Trial Court') seeking declaration of ownership and joint possession in respect of certain agricultural land described as 'X' in the records and situated in Village Wazirabad, Tehsil Sirhind, District Patiala.

2. The plaintiffs' case was that the suit land formed part of the ancestral property of their common ancestor Raunaq Singh. It was asserted that upon his death in 1960, his three sons, namely Raghbir Singh, Mehar Singh, and Bachan Singh (father of the plaintiffs), each inherited a 1/4th share. Bachan Singh, therefore, became owner of 7/24th share along with his sons and

¹ Both the parties are denoted by their position in the array of parties before Trial Court in Civil Suit No. 19 of 1982.

daughters. On his death in 1980, his heirs, including the plaintiffs, defendant No. 15 (Joginder Singh and s/o Bachan Singh) and daughters (defendants No. 16–19), succeeded to his estate.

3. The plaintiffs alleged that the defendant nos. 1 and 2 (Raghubir Singh and Mehar Singh) and defendant nos. 3 to 11 (sons of Raghubir Singh and Mehar Singh) had managed to secure incorrect revenue entries showing them as owners to the exclusion of the plaintiffs and were in unlawful possession of the land. According to the plaintiffs, these revenue entries neither reflected true succession nor lawful transfer and were liable to be ignored. On these pleadings, the plaintiffs sought a declaration of their share and consequential joint possession.

4. On the other hand, the defendant contested the suit arguing that the suit land was not ancestral property but had been acquired through collateral succession from Raunaq Singh after his death in 1960. According to them, the estate of Raunaq Singh got devolved equally upon his six heirs: (a) his three sons (Raghubir Singh, Mehar Singh, and Bachan Singh), b) his daughter Gulzar Kaur, (c) his grandson Darshan Singh (son of his daughter Jagjit Kaur), and (d) his granddaughter Pritpal Kaur (daughter of his predeceased daughter Bhan Kaur). In this regard, Mutation of Inheritance No. 171 was duly sanctioned on 23.11.1982. The defendant nos. 1 to 11 had claimed that Gulzar Kaur (defendant no. 12) had gifted her 1/6th share to defendants No. 3 to 11 vide registered gift deed dated 04.08.1967, sanctioned in mutation on 23.04.1974. Darshan Singh (defendant no. 13)

had sold his 1/6th share in favour of defendant nos. 3 to 9 by a registered sale deed in 1978 for a consideration of ₹1,80,000/-, mutation being sanctioned on 29.12.1978. Pritpal Kaur (defendant no. 14) had sold her 1/6th share on 07.06.1974 in favour of defendant no. 3 to 11 for a consideration of ₹32,000/-. Thus, according to the defendant nos. 1 to 11, they had become rightful owners through inheritance and valid transfers, while the plaintiffs and their father (Bachan Singh) were aware of these transactions but never raised objections.

5. On the basis of the pleadings, the Trial Court framed the issues relating to the nature of the property, title, entitlement, validity of revenue entries, limitation and entitlement to possession.

6. Upon appreciation of the entire evidence, the Trial Court on 06.03.1986, dismissed the suit. The Trial Court held that the plaintiffs had failed to prove that the suit land was ancestral property and the same was a separate property of Raunaq Singh, devolving equally on the six heirs post his death in 1960. The Trial Court found that the documentary evidence, particularly the revenue records and mutation entries, supported the case of the defendants. The oral evidence adduced by the plaintiffs was not found sufficient to displace the documentary record. More so, the Trial Court found the suit to be barred by limitation as the cause of action accrued in 1960 when Raunaq Singh's property was devolved on his heirs. On these findings, all the material issues were answered against the plaintiffs and the suit was dismissed.

7. On appeal by the plaintiffs, the Court of the Additional District Judge, Patiala (hereinafter referred as 'Appellate Court') vide judgment dated 05.08.1987 concurred with the findings of the Trial Court and dismissed the appeal.

8. Dissatisfied, the plaintiffs approached the High Court of Punjab and Haryana by filing Regular Second Appeal No. 163 of 1988. Vide impugned judgment dated 18.01.2010, the High Court dismissed the second appeal, holding that no substantial question of law arose for consideration.

9. It is against this background that the present Appeal has been filed by the plaintiffs before this Court.

10. The central issue throughout the litigation has been whether the suit land is ancestral property so as to enable the plaintiffs to claim a share therein, or whether the property stood validly transferred and recorded in the revenue records in favour of the defendants.

11. The Trial Court on appreciation of evidence returned a categorical finding that the plaintiffs failed to prove the ancestral nature of the suit land. It relied primarily on the revenue records, mutation entries and documentary evidence, and found that the same supported the case of the defendants. The oral evidence led by the plaintiffs was found insufficient to displace the long-standing documentary record. Both, the Appellate Court and the High Court, have concurred that the plaintiffs had failed to

establish the ancestral character of property and their entitlement to the share claimed.

12. It is well-settled that this Court does not ordinarily interfere with concurrent findings of fact, unless such findings are shown to be perverse, based on no evidence, or suffering from a manifest error of law.

13. In the present case, we find no such infirmity. The findings returned by the Courts below are supported by the revenue records and admitted documents and by a consistent appreciation of evidence over three tiers of adjudication. The plaintiffs were unable to demonstrate any legal infirmity in the mutations or revenue entries, nor could they establish the ancestral nature of the property through cogent evidence.

14. The case of plaintiffs was rightly rejected in the absence of proof of ancestral character and in view of the documentary evidence supporting the defendant nos. 1 to 11 title. The contention regarding limitation and delay in filing of the suit also cannot be brushed aside. The mutation entries and transfers impugned by the plaintiffs were of much earlier vintage, and the plaintiffs had allowed the revenue position to continue unchallenged for a considerable length of time. Their attempt to unsettle the settled possession and title after a long delay was rightly disapproved by the Courts below.

15. We find that all the three Courts below have examined the same evidence and arrived at one uniform conclusion, and no perversity, or legal error has been demonstrated before this Court so as to warrant interference.

16. Consequently, we find absolutely no reason to interfere with the concurrent judgments of the Courts below. Accordingly, the Appeal is dismissed.

.....**J.**
(SANJAY KAROL)

.....**J.**
(PRASHANT KUMAR MISHRA)

NEW DELHI;
DECEMBER 02, 2025