

काम नामा भूमि नदल गुग्डि रू ENTER ACHE 7250 ENUM ZOMA माम में ! के मान के हिंदी मान भी अर्ला हिंह ने में जिस किंह मारिक कर में में में में मदार महताल किला समाला के हैं काराबार किया में जालारी हिंद हैं, हमें अपने स्पराकात में किर पन के मरस्य है प्रतः हम ते हर के कि जियमे रमुद कार्या अलामान भूमि रेन कर नामर 10 canto. 11 zucic. I Lair 13/18/3 3-a mm 2222 के अनुकार मा सम्बद्धी लेंद्र में 1858 कि 2-8-28 S.R. Ambal to Zara 1-13 tot an Things 199 x 45-6" IT Pan 3-3 2 Dum when this on spin Hete Hi alter & Louis Stree 27 & Sit fair मिली रहन मार का ह, अग्र कमाल रलाइ- निका 4 43 Et Homenton, That of H of Con 7750/- 20 लात हमार हात हो बागात रहें के वह मांड सम्मे कित कारी फांगड़ी माडल गांव सहार (कामाला) किएमा वर मार मारीहर। प्रावत रवसामा पुर भी व्यान्द्र किहें रवरामा, - अस्ति दलमीत रवराना पट्टी

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ला क्यान्त किंह रमराना है। का कर दे का मा मावय केंग मित्रक उठाउं हमारा के हमेर वारिता का उसक भी का काई हमा नहीं रहा। मालार 1. 84 2001- 5 mil Hard a min Thick & cont के 7250/ शिष्प नमद तमहा दान रोक राक्ट्रामा लागे। हिमा का में माना का माना माना माना माना Potrail Et ger de la contra de l'arch of arch Sh मेड काल पहा क्या काह हारते होते हैं। JAN cut Eist 1 Cot 201 Stat 2001 + To: 22 - 10-1980 } 11 a. E -1 Par 41 1 31 JUI ZON 1 agrand Place Wahen Os V. Heit 2 Julian Page Jasuant Singa वागामा inter - drainst min on. Jiq. 2-2 भूम गुर्वा हिंदू क्यामान साम स्था में प्राप्त कर ५53. Pain 22-10-1980 V. मंडाट My my

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CIVIL JUDGE

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(SIGN. OF OWNER)

Bond



#### Indian-Non Judicial Stamp Haryana Government

Deponent



Date: 12/05/2025

Certificate No.

A0L2025E191

GRN No.

132055217

Penalty:

Stamp Duty Paid: ₹ 101

Name:

Phone:

Sukhwant Khurana

H.No/Floor: 118

Sector/Ward: X

City/Village: Ambala city

87\*\*\*\*\*54

Landmark: Ram nagar

State: Haryana

Purpose: BOND ID PROOF AADHAR CARD NO 4215 4331 0384 to be submitted at X

District: Ambala

The authenticity of this document can be verified by scanning this QrCode Through smart phone or on the website https://egrashry.nic.in

# क्षतिपूर्तिनामा

श्री सुखवंत खुराना पुत्र श्री बृजेन्द्र सिंह निवासी मकान नम्बर 118 , नजदीक टीले वाला मंदिर, राम नगर, अम्बाला शहर रहने वाला हूँ कि:-

1. यह कि प्रोप्टी रजिस्ट्ररी मुताबिक प्लाट नम्बर 27 इंडस्टीयल एरिया ग्रांम मण्डौर तहसील व जिला अम्बाला भूमि खेवट नम्बर 10 खतौनी 11 ,खसरा नम्बर 13/18/3 ,इंतकाल न0 222 के अनुसार रजिस्द्रशे प्रलेख न० 1958/1 दिनांक 02.08.1978 सब रजिस्ट्ररार अम्बाला के रकबा 1-13 मौका पैमाईश 199'x45'-6" व टोटल एरिया 1006 वर्ग गज है जो कि असल मालिक रजिस्ट्ररी मुताबिक मैसर्ज सर्वहितकारी फौण्डरी मार्फत सुखवंत खुराना पुत्र श्री बृजेन्द्र सिंह है । यह है कि मोबाईल न0 8708830654 है। यह इस प्रोप्टी जायदाद की नई



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0 आई0 डी0 बनाई जाए। व नाम / पता / एरिया मोबाईल नम्बर अपडेट किया जाए। व नई इंतकाल की कापी व रजिस्टरी की कापी साथ संलग्न है। व नक्शें की कापी संलग्न है।

2. यह है कि इस जायदाद पर आज कि तारीख में कोई आदालती केस नहीं चल रहा है।

3. यह है कि अगर आज की तारीख में कोई भी केस इस जायदाद पर पाया जाता है तो उसका जिम्मेवार मैं हॅगा।

4. यह है कि जो बयान दिए है वह सही व दुरूस्त है।

अतः यह क्षतिपूर्ति नामा (इन्डेमनिटी बाण्ड)स्वंय लिखवा दिया है तथा इस पर अपने हस्ताक्षर कर दिए है कि प्रमाण रहे और समय पर काम आवे |

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क्षतिपूर्तिकर्ता

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## भारत सरकार Unique Identification Authority of India vernocht of the

नागान्त कम / Enrollment No. : 1385/10092/30625

Sukhwant Khurana मुख्येल खुराना S/O Brijinder Singh 118 Near Tills wals mendir Ram negar Ambala City Ambala City Ambala Haryana - 134003 5465662468



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आपका आधार क्रमांक / Your Aadhaar No. :

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आधार - आम आदमी का अधिकार



आधार - आम आदमी का अधिकार

IN THE COURT OF JYOTI SANDHU, CIVIL JUDGE ( JUNIOR DIVISION) AMBALA.(UID NO.HR-0427).

HRAM020028702021



CNR NO.HRAM02-002871-2021. CIS No.CS-2118-2021. Date of Instt:-22.12.2021. Date of Decision:-18.05.2023.

Sukhwant Khurana son of Barjinder Singh, resident of #A-12, New Shivalik Colony, Ambala City.

......Plaintiff.

#### VERSUS

1. State of Haryana through Collector, District Ambala,

The Tehsildar, Ambala Cantt.

Defendants.

Suit for a decree of declaration to the effect that plaintiff being the proprietor of M/s Sarvhitkari Foundary Model Gram is owner in possession of plot No.27 measuring 1 kanal 13 Maria comprised in khewat No.10 khatauni No.11 khasra No.13/8(1-13) situated within revenue estate of Village-Mandhour H.B. No.43 Tehsil Ambala Cantt, District Ambala with consequential relief of mandatory injunction directing the defendants to rectify the entry in revenue record and deleting the word partner and inserted the word through in the revenue record which is being maintained by the defendants.

C-p7 of Judget dt 18/-5/23

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Examiner

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IN THE COURT OF JYOTI SANDHU, CIVIL JUDGE ( JUNIOR DIVISION) AMBALA (UID NO.HR-0427).

HRAM020028702021



CNR NO.HRAM02-002871-2021. CIS No.CS-2118-2021. Date of Instt: -22.12.2021. Date of Decision:-18.05.2023.

suchwant Khurana son of Barjinder Singh, resident of #A-12, New Shivalik Colony, Ambala City.

.....Plaintiff.

#### VERSUS

- State of Haryana through Collector, District Ambala.
- The Tehsildar, Ambala Cantt.

.... Defendants.

## SULT FOR DECLARATION AND MANDATORY INJUNCTION

Sh. Vivek Maharishi, learned counsel for the plaintiff. Sh. Vidyanand, learned Govt. Pleader for defendants. Present:-

#### JUDGMENT:-

The present suit has been filed by the plaintiff against the defendants for a decree of declaration to the effect that plaintiff being the proprietor of M/s Sarvhitkari Foundary Model Gram is owner in possession of plot No.27 measuring 1 kanul 13 Maria comprised in

khervat No.10 khatauni No.11 khasra No.13/8(1-13) situated within

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revenue estate of Village Mandhour H.B. No.43 Tehsil Ambala Cantt,
District Ambala (hereinafter referred as to 'suit property' for brevity.)
with consequential relief of mandatory injunction directing the
defendants to rectify the entry in revenue record and deleting the
word partner and inserted the word through in the revenue record
which is being maintained by the defendants.

Brief facts of the case of plaintiff as per the plaint are that plaintiff and his mother namely Daljeet Kaur being partners of Surva Hitkari Foundary had purchased a plot No.27 measuring 1 kanal 13 marla comprised in khewat No.11 khasra No.13/8/3(1-13) situated within revenue estate of Village Mandhour H.B.No.43 Tehsil Ambala Cuntt, District Ambala vide sale deed No.3641 dated 24.10.1980 from Kulwant Singh and Jaswant Singh sons of Sh.Kartar Singh. After purchasing the above said suit property the plaintiff and his mother became the absolute owner to the extent of 1/2 share each and mutation also sanctioned in their favour vide mutation No.7061. His mother samely Daljeet Kaur during her life time executed a valid and legal will of her share in the suit property on 12.06.1996 in his favour. His mother had died on 19.12.1996. Thereafter, he approached Halqua Patwari and Halqua Patwari sanctioned the mutation of the suit property on the basis of legal and valid Will dated 12.06.1996 in his favour vide mutation No.1973. But Halqua Patwari while sanctioned the mutation in his favour on the basis of Will made an entry in the revenue record that "M/s Sarvhittan Foundary Model Gram

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his at present partner Sukhwant Sngh son of Barjinder Singh" instead of M/s Sarvhitkari Foundary Model Gram at present through(marfat) Sukhwant Singh son of Barjinder Singh. Thereafter, he again approached the Halqua Patwari and requested him to rectify the entry in revenue record and deleting the word partner and inserted the word through (marfat). But Halqua Patwari postponed the matter one pretext or other. The plaintiff has no other alternative except to file this suit for declaration and mandatory injunction.

- Upon notice, defendants appeared and filed their joint written statement taking preliminary objections with respect to no cause of action, locus standi; suit of the plaintiff is not maintainable etc.
- defendants that the suit of the plaintiff is take and baseless to the knowledge of plaintiff himself. Because the mutation No.1972 was entered on the basis of sale deed No.3641 and 24.10.1980, which was cancelled vide order dated 20.03.2009. The secondary matation was cancelled as the mutations of the vendor from the plaintiff purchased the property, was cancelled. Now, the mutation in favour of M/s Saryhitkari Foundry the Salahwant Singh and sanctioned on 18.04.2021. It is pertinent to the property of the property of the sanctioned in favour of M/s Saryhitkari Foundry through Sukhwinder Singh and Smt. Dept. Keep and not as partners of through Sukhwinder Singh and Smt. Dept. Keep and not as partners of the sanctioned Sukhwinder Singh and Smt. Dept. Keep and not as partners of

STATES OF STATES

M/s Saryhitkari Foundary, However, the mutation of inheritance of Smt. Daijit Kaur cannot be entered and sanctioned in favour of plaintiff as alleged as the firm M/s Sarvhitkari Foundary through its partners purchased the property, meaning thereby that Sarvhitkari Foundry is a legal entity being partnership firm and the property is not of individual, but is of firm. So, the answering defendants have been dragged by the plaintiff in uncalled for litigation for no reasons. The contents of the sale deed No.3641 dated 24.10.1980 make it clear that the property was purchased by M/s Sarvhitkari Foundry through purchased. The plaintiff has concocted a false and baseless story with a main fide intention and ulterior motives. So, the question of making any such request and postponement of the matter on one pretext or the other does not more at all. Plaintiff has visited the office in O-tober, 2021 then he was be in the knowledge that mutation No.7061 has been sanctioned in the of M/s Sarvhitkari Foundary through Sukhwant Singh and See Days Kaur. There was no necessity to file the present suit and made No.1973 is rightly sanctioned. With these submissions, a prayer to a seal of suit has been made.

Replication not filed. On the base of pleadings of both the parties, following issues were framed with sever dated 14.11.2022 by learned Predecessor of this Court:-

Issue no.1: Whether the the place to a decree for declaration as prayed for OFF

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Issue no.2: Whether the plaintiff is entitled to a decree for mandatory injunction as prayed for?OPP.

Issue no.3: Whether the suit of the plaintiff is not maintainable in the present form?OPD

Issue no.4: Whether the plaintiff has got no cause of action and locus standi to file the present suit?OPD

Issue No.5: Whether the plaintiff is estopped from filing the present sait by her own act and conduct?OPD.

Issue No.6: Whether the suit of plaintiff is bad for nonjoinder and mis-joinder of necessary parties?OPD.

Issue No.7:- Whether the plaintiff has concealed the true and material facts from the Court OPD.

#### Issue No.8:- Relief.

 In order to prove his case, plaintiff has examined himself as PWI. Hesides this, the plantal are tendered the following documents in documentary evidence:

Ex.P1:- Photocopy of sale deed No 3641 dated 24.10.1980.

Ex.P2: Photocopy of mutation No.7061
Ex.P3: Photocopy of Will Lond 12.06.1996.

Ex.P4:- Photocopy of dean combine of Daljii Kaur.

Ex.P5:- Photocopy of managem No. 1973.

7. Thereafter, plaintiff closed his enders in-affirmative vide his separately recorded statement on 04 03 2023.

8. On the other hand, learned Gove. For defendants
has examined witness Rajesh Kumur, Forest Barres Mandour,

District Ambala as DW1 and tendered document Ex.D1 to Ex.D3 which are copy of mutation Nos.1972, 1973 & 7061.

- Thereafter, Rajesh Kumar, Patwari, Halqua Mandour,
   District Ambala has closed the evidence of defendants vide his separately recorded statement on 31.03,2023.
- No rebuttal evidence is present. Rebuttal evidence closed by Learned Counsel for plaintiff Shri Vivek Maharishi, vide his separately recorded statement on 18.05.2023.
- 11. I have heard learned counsel for the plaintiff and ld. GP for the defendants and have gone through the case file throughly and my issue wise findings are given here-in-under-

### Issues No.1 and 2:-

plaintiff that he is entitled for declaration to the effect that plaintiff being the proprietor of M/s Sarvhithari Foundary Model Grain is owner in possession of plot No.27 measuring 1 kanul 13 Maria comprised in knewat No.10 khataumi No.11 khasra No.13/8(1-13) situated within revenue estate of Village Mandhour H.B. No.43 Tehsil Ambala Cantt, District Ambala with consequential relief of mandatory injunction directing the defendants to rectify the entry in revenue record and deleting the word partner and inserted the word through in the revenue record which is being maintained by the defendants. To discharge his burden, from the

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side of plaintiff Sukhwant Khurana have stepped into witness box and reiterated all the mess contained in his pining while tendering his vilidavit in evidence which are not repeated again for the sake of brevity. After the evidence it has been argued by his Advocate Sh. Vivek Maharishi that the present suit for declaration as well as mandatory injunction have been filed against defendants. Plaintiff along with his mother constituted one proprietary M/s Sarvhitkari Foundary Model Gram wherein he and his mother were the partners, Thereafter, both have purchased one plot bearing No.27 measuring 1 kanal 13 Maria(detailed of which have been given in para No.1 of the plaint) vide sale deed bearing No 3641 and 24.10.1980 from Kulwant Singh and Jaswant Singh. All = parchased mutation was sanctioned on their came to me are as it share each. Subsequently, Duljit Kaur during her life was exceed one Will vide which she has given her half share to be see a see a present plaintiff. After the execution of Will in favour of places (5) be had approached to the concerned revenue authority for smoothing of mutation in his name. However, the revenue authority and has request and mutation was sanctioned in the name of the Sanction Foundary Model Gram as partner instead of Mas 3.... Formlary Model Gram through Sukhwant Singh son of Barrer Smith. The plaintiff has time and again requested to concern for making necessary correction in the revenue seems the death of

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mother of plaintiff and in view of Will, he has become the sole proprietor of that first. Moreover, after the death of Daljin Kaur the partnership firm have already been dissolved and now the plaintiff cannot be shown or recorded as partner in M/s Sarvhitkari Foundary Model Gram in the revenue record, so a prayer has been made that suit of the plaintiff may kindly be decreed.

- Rajesh Kumar Patwari, Halqua Mandour District Ambala has supped into witness box and stated that the proportionable by plaintiff cannot be considered because the sale deed was executed in favour of plaintiff and his mother being partners in M/s Sarvhitkari Foundary Model Gram so that proprietor firm is a legal entity and after the death of Dallit Kaur, plaintiff or a Balance propositor of M/s Sarvhitkari Foundary Model Gram. So, we see a cannot be considered and prayer has been made that the sale may kindly be dismissed being meritless.
  - 14. Arguments heard. Case file person Before deciding the case in hand, certain facts are admissed to be discussed for the bester adjudication of the case below admisted that plaintiff Sukhwant Khurana and his more partners in M/s Sarvhitkari Foundary More Bearing No.27 bearing No.27

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vide sale deed bearing No.3641 in the capacity of partners from Kulwant Singh and Jaswant Singh, Further, the Will is also admitted vide which Daljit Kaur lead given her share in plot No 27 to his son Suithwant Khurana(plaintiff). This fact is admitted because on the busis of Will one mutation No.1973 sanctioned by the revenue authority which they later on cancelled. These are admitted facts in this case. Now, the next point of considerance before the Court is that whether plaintiff can be declared as progresse of M/s Sarvhitkari Foundary Model Gram after the deep of her mother. Initially, the plaintiff and his mother were = parties in that firm and after the death of his mother this particle from cannot be survived because one person cannot form any manachip, so the relief which the plaintiff is seeking vide the suit is well maintained. After the death of Daljit Kas the parameter between the mother and son has already been and an present plaintiff is the only proprietor remained. So, the decision can be given that plaintiff is the proprietor of Ma 5 --- Foundary Model Gram is owner in possession of part and assuring 1 kanal 13 Maria comprised in khewat San Daniel No.11 Linsra No.13/8(1-13) situated within re- of Village Mandhour H.B. No.43 Tehsil Ambela Case. Decide Ambela As for us the relief of \_\_\_\_\_\_is

concerned, for this the reliance has been passed as a case law

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2085 of 2009, decided by Hon'ble Puniab and Haryana High
Court on dated 20.5.2011, wherein it has been heid that :- "Because
of Section 45 of Punjab Land Revenue Act, 1887 and Section 158 (2)

(vi) of the same Act, Civil Court has only jurisdiction to declare the
rights of a party, as recorded in revenue record and Civil court has
the jurisdiction to direct the revenue and make correction in
the revenue entries.

- Therefore, in the light of what have been discussed above, certainly, declaration can be given by this Court. As far as relief qua mandatory injunction directions can be sented to revenue authority to concerned for making necessary concerned in the revenue record.

  Accordingly, the relief of mandators injunction is hereby declined and relief of declaration have been passed in favour of plaintiff.
  - 17. In the light of what have been discussed above, issue no.

    1 is decided in favour of the plant and against the defendants and issue No.2 has been decided against the plant and in favour of defendants.

### Issue no.3 to 7:

but neither these issues were the base of final arguments nor any evidence was a specific as the course of final sides. Therefore, issues No.3 to 7 same up being not pressed

(John Salbu) (July) Ambula/18/05/2023 (John Salbu)

for.

## Issue No.8(Relief)

In view of the aforesaid findings on issues no. 1 and 2, the suit of the plaintiff is partly succeeds and the same is hereby partly decreed without cost. Decree Sheet be drawn accordingly. File be consigned to record room after due compliance.

Announced in open court.

Dated:-18.05.2023.

Note:

signed by me.

Dated:-18.05.2023.

(minma)

Ambala (UID No.HR-0427) All the eleven pages of this judgment have been checked and (Jyht Sandhu) Civil Judge (Jr. Divn.),

Ahlbala (UID No!HR-0427)

(Jyot) \$andhu)

Civil Judge (Jr. Divn.),

CERTIFIED TO BE TRUE COPY

Civil Judge (Senior Division) AMBALA CITY. Authorised by Section 78 of Indian Evidence Act 1972

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Value of the suit for the purpose Jurisdiction ₹400/-Value of the suit for the purpose of Court Fee ₹55/-

#### DECREE SHEET

IN THE COURT OF JYOTI SANDHU, CIVIL JUDGE ( JUNIOR DIVISION) AMBALA. (UID NO.HR-0427).

HRAM020028702021



CNR NO.HRAM02-002871-2021. CIS No.CS-2118-2021. Date of Instr.-22.12.2021. Date of Decision:-18.05.2023.

Sukhwant Khurana son of Barjinder Singh, resident of #A-12, New Shivalik Colony, Ambala City.

......Plaintiff.

#### VERSUS

State of Haryana through Collector, District Ambala.

2. The Tehsildar, Ambala Cantt.

..... Defendants.

Suit for a decree of declaration to the effect that plaintiff being the proprietor of M/s Sarvhitkari Foundary Model Gram is owner in possession of plot No.27 measuring 1 kanal 13 Maria comprised in knewat No.10 kharami No.11 khasra No.13/8(1-13) situated within revenue estate of Village Mandhour H.B. No.43 Tehsil Ambala Cantt, District Ambala with consequential relief of mandatory injunction directing the defendants to rectify the entry in revenue record and deleting the word partner and inserted the word through in the revenue record which is being maintained by the defendants.

Plaint presented on:-22.12.2021:-

Divn.), Ambala, for final disposal in the presence of Sh. Vivek Maharishi, learned counsel for the plaintiff and Sh. Vidyanand, learned Govt. Pleader for defendants.

Conf. April 100 Conf. April 100 Conf. (April 100 Conf.)

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10/11/23

It is ordered that suit of the plaintiff is partly succeeds and the same is hereby partly decreed without cost.

### Memo of Costs

E+	Nature	Plaintiff	Defendants
Sr. No.		55-00	00-00
1. *	Stamp for plaint	02-00	02-00
2.	Stamp for power	500-00	500-00
3.	Pleader's fees	00-00	00-00
4.	Subsistence of witnesses	50-00	00-00
5.	Process fees	00-00	00-00
6.	Misc	607-00	502-00
7.	Total	601-00	The state of the s

Given under my hand and the seal of the court this 18th day of

May, 2023.

(Jyou Sandhu)
Civil Judge (Jr. Divn.),
Ambala
MID No.HR-0427)

(Reader)

Checked & Found Correct

CERTIFIED TO BE TRUE COPY

Examiner.

Civil Judge (Senior Division)

AMBALA CITY.

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