

(2013) 04 MP CK 0093
In the Madhya Pradesh High Court
Case No : S.A. No. 508 of 2005

Murti Shri Pandharinath Mandir and Others
Vs
Collector and Another

APPELLANT
RESPONDENT

Date of Decision : 09-04-2013

Acts Referred:

Evidence Act, 1872 — Section 90
Madhya Pradesh Land Revenue Code, 1959 — Section 114, 115, 158(I)(b), 57(2)

Citation : (2013) 4 MPJR 191 : (2013) 2 MPLJ 691

Hon'ble Judges : A.K. Shrivastava, J

Bench : Single Bench

Advocate : C.L. Yadav, with Manish Yadav, for the Appellant; Sanjay Guha, Panel Lawyer for State, for the Respondent

Final Decision : Allowed

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

Plaintiffs filed a suit claiming ownership of land given as Inam to their forefather, asserting that they became Bhumiswami when the M.P. Land Revenue Code came into effect. The trial court ruled in favor of the plaintiffs, but the First Appellate Court reversed that decision. The plaintiffs appealed to the High Court, which admitted the case on key legal questions regarding ownership and the validity of the appellate court's judgment.

LAW POINTS

['Whether the land in question falls within the Bhumiswami rights of the plaintiffs as Inam land.', 'Whether the First Appellate Court's judgment is justified by law.']

ACTS & ARTICLES

['M.P. Land Revenue Code, 1959', 'Section 57(2) of the Code', 'Section 158(I)(b) of the Code', 'Section 115 of the Code', 'Indian Evidence Act, Section 90']

JUDGMENTS REFERRED

['State of M.P. Vs. Vijaya Bai and Others', 'AIR 1947 15 (Privy Council)']

OBITER DICTA

The court emphasized the importance of thorough document examination in cases of land rights. It noted that the presumption of authenticity for long-held documents under the Indian Evidence Act bolsters the plaintiffs' claims.

RATIO DECIDENDI

The court concluded that the land was indeed Inam given to the plaintiffs' ancestor, affirming their Bhumiswami status under the M.P. Land Revenue Code. Furthermore, the court reiterated that the State must conduct proper inquiries before altering land records, safeguarding individuals' rights.

FINAL RULING

The High Court allowed the plaintiffs' appeal, set aside the First Appellate Court's judgment, and restored the trial court's decision affirming the plaintiffs' ownership of the land. The court issued no costs.

PLAIN-LANGUAGE GIST

The dispute centered on the ownership rights of a piece of land claimed by the plaintiffs as Inam land. The High Court ultimately ruled in favor of the plaintiffs, confirming their Bhumiswami rights and reinstating the trial court's original ruling.