

Manik Singh and Others

Vs

Prescribed Authority and Others

Civil Appeal No. 7048 of 1981

(Syed M. Fazal Ali, R.B. Misra JJ)

16.03.1981

### JUDGMENT

1. In support of the appeal the only point pressed by Mr Pramod Swarup for the appellants was that the Prescribed Authority and the Civil Judge as also the High Court were wrong in not taking into consideration the area of 16.66 acres in terms of irrigated land which was the subject-matter of a registered gift executed by Manik Singh in favour of his son Nawab Singh. The claim regarding other gifts has not been pressed before us. There does not appear to be any substance in them. So far as the gift in favour of Nawab Singh is concerned, the evidence of Lekhpal as placed before us appears to be wholly unsatisfactory. On the other hand, there appears to be unimpeachable documentary evidence to show that immediately after the gift, the land was mutated in the name of Nawab Singh, the levy and tax papers were shown in his name and from the evidence of Lekhpal it generally appears that Manik Singh had severed all his connections with the land gifted to Nawab Singh.

2. In the circumstances, therefore, the appeal allowed to the extent that the area in possession of Nawab Singh, i.e. 16.66 acres is to be left out from the surplus area of the tenure holder. The Prescribed Authority will now calculate the fresh area and pass orders according to law. The tenure holder will be given the choice in the light of this decision.

</html