REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5040 OF 2008

RAKESH & ORS. ...APPELLANTS

Vs.

BOARD OF REVENUE U.P. & ORS. ETC. ...RESPONDENTS

J U D G M E N T

ASHOK BHUSHAN, J.

This appeal has been filed against the judgment of Allahabad High Court dated 03.03.2006 deciding the two writ petitions being Writ Petition No. 16105 of 1983 filed by predecessors-in-interest of the appellant and Writ Petition No. 3020 of 1984 filed by respondent No.4.

2. Brief facts of the case necessary for deciding this appeal are:-

2.1 One Pursottam was the Sirdar (a category of tenancy) of agricultural plots Nos. 243, 503 and 1/3rd share in Plot No. 521 situated in

Village Pilkhana, District Shahjahanpur. On 25.11.1974, Pursottam deposited 20 times of the land revenue and made an application for grant of Bhumidhar rights in accordance with U.P. Zamindari Abolition and Land Reforms Act, 1950. On 26.11.1974, Pursottam executed a sale deed of the aforesaid three plots in favour of Ajudhi @ Ayodhya. On 23.05.1975, application of Pursottam for grant of Bhumidhari Sanad for plot Nos. 243 and 503 was rejected. A revision application was filed by Pursottam challenging the order dated 23.05.1975. With regard to Plot No. 521, Bhumidhari Sanad was granted in the name of Pursottam by order of Assistant collector on 05.01.1976, before which on 04.12.1975, Pursottam has died.

2.2 By Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Ordinance, 1977 (U.P. Ordinance No.1 of 1977), promulgated on 28.01.1977, Bhumidhar with transferable rights

were granted to every Sirdar referred to in Sections 130 and 131 of U.P. Zamindari Abolition and Land Reforms Act. The ordinance No.1 of 1977 was substituted by U.P.Act No.8 of 1977 enforced with effect from 28.01.1977.

2.3 Ajudhi @ Ayodhya filed two suits – Suit No. 30 of 1978 praying for declaration of Bhumidhari Rights in Plot Nos. 243 and 503 and Suit No. 31 of 1978 claiming declaration of Bhumidhari Rights in Plot No. 521 on the basis of sale deed dated 26.11.1974 executed by Pursottam.

2.4 The trial court dismissed both the suits by judgment dated 23.03.1979. Two appeals were filed by respondents against the judgment of trial court. Additional Commissioner allowed Appeal No. 436/6 of 1979 decreeing the suit No. 31 of 1978 with regard to Plot No. 521, with regard to which Sanad was granted, but the Additional Commissioner dismissed the appeal No. 435/5 of 1979 arising out of Suit

No. 30 of 1978. Both appellant and respondent filed second appeal before the Board of Revenue against the judgment of the Additional Commissioner. Board of Revenue vide its judgment dated 18.11.1983 dismissed both the second appeals.

2.5 Parties filed writ petitions against the order of Board of Revenue. Ram Bilas died during the pendency of the writ petition, whose heirs were brought on record. Writ Petition No. 16105 of 1983 was filed by predecessor-in-interest of the appellant whereas Writ Petition No. 3020 of 1984 was filed by respondents. High Court vide its impugned judgment dated 03.03.2006 allowed the Writ Petition filed by respondent and dismissed the writ petition filed by the appellant. By judgment of the High Court, Suit No.30 of 1978 also stood decreed. Appellant, aggrieved by the said judgment has come up in this appeal.

3. Shri Pramod Swarup, senior Advocate, learned counsel for the appellant submits that both the suits filed by respondent deserves to be dismissed in view of the fact that Pursottam had no right to executed sale deed of Sirdari rights on 26.11.1974. Although, he had submitted an application for Bhumidhari Sanad but he having died on 05.12.1976 before grant of Sanad, Bhumidhari rights shall accrue to his legal heirs and the plaintiffs have no right to be declared as Bhumidhari. He further submits that in any view of the matter, with regard to Plot Nos. 243 and 503, application for Bhumidhari Sanad was rejected on 23.05.1975, hence with regard to aforesaid two plots, Suit No. 30 of 1978 deserves to be dismissed. Learned counsel for the appellant placed reliance on judgment of Allahabad High Court in **Ram Sabodh and Another Vs. Deputy Director of Consolidation, U.P., Faizabad and Others, 1982 All. L.J. 1252**.

4. Shri Abhishek Chaudhary, learned counsel for the respondent refuting the submissions of the learned counsel for the appellant contends that both the suits

filed by the respondent deserves to be decreed, since Pursottam (deceased) having deposited the 20 times of the land revenue and made an application on 25.11.1974 for grant of Bhumidhari rights, bhumidhari rights shall be treated to have been granted, w.e.f., the date of making of application, i.e., 25.11.1974, in view of the provision of Section 137 of the U.P. Zamindari Abolition and Land Reforms Act, 1950. With regard to Plot Nos. 243 and 503, with regard to which application for grant of Sanad was rejected on 23.05.1975 a revision was filed by Pursottam, which was pending at the time when U.P. Ordinance No. 1 of 1977 was enforced granting Bhumidhari rights to Sirdars, by which the revision stood abated.

5. We have heard the learned counsel for the parties and have perused the records.

6. The High Court in its impugned judgment has taken the view that insofar as Suit No. 31 of 1978 filed by respondent was concerned, Bhumidhari Sanad was granted in favour of Pursottam (deceased), although, after his death but the said Sanad will have retrospective effect

making Pursottam Bhumidhar w.e.f. 25.11.1974, hence no error was committed by decreeing Suit No.31 of 1978. Coming to Suit No. 30 of 1978, filed by the respondent, High Court took the view that in view of the fact that Pursottam had challenged the rejection of the application, which was subjudice when the proceedings were abated on account of Ordinance No.1 of 1977, the legal heirs of Pursottam cannot contend contrary to the interest of Pursottam. The High Court also relied on Section 43 of the Transfer of Property Act in upholding the claim of the respondent.

7. Before we consider the submissions of the learned counsel for the parties, it is necessary to refer to provisions of U.P. Zamindari Abolition and Land Reforms Act, 1950. Section 134 of the Act provides for acquisition of Bhumidhari rights by a Sirdar. Section 134(1) (existing at the relevant time) is as follows:-

> "**134. Acquisition of bhumidhari rights by a sirdar.--** (1) If a sirdar, not being a sirdar, referred to in clause (b) of Section 131 deposits to the credit of the State Government an amount equal to twenty times the land revenue payable or deemed to be payable on the date of application for the land of which he is the sirdar, he shall,

upon an application duly made in that behalf to an Assistant Collector, be entitled, with effect from the date on which the amount has been so deposited, to a declaration that he has acquired the rights mentioned in Section 137 in respect of such land:

Explanation I. – For the purposes of this sub-section, the expression 'land' includes share in land.

Explanation II. – For the purpose of this section the land revenue payable shall—

(a) in respect of land referred to in the proviso to clause (a) of sub-section (1) of Section 246, be an amount arrived at after all the increases have been given effect to; and

(b) in respect of land to which the proviso to Section 247 applies, be an amount determined at hereditary rates under that section."

8. Section 137 provides for Grant of certificate. Section 137 as it existed at the relevant time is quoted as below:-

"137. Grant of certificate.-- (1) If the application has been duly made and the Assistant Collector is satisfied that the applicant is entitled to the declaration mentioned in Section 134 he shall grant a certificate to that effect.

(2) Upon the grant of the certificate under sub-section (1) the sirdar shall from the

date on which the amount referred to in sub-section (1) of Section 134 has been deposited:

(a) become and the be deemed to be a bhumidhar of the holing or the share in respect of which the certificate has been granted, and

(b) Be liable for payment of such reduced amount on account of land revenue for the holding or his share therein, as the case may be as shall one-half of the amount of Land revenue payable or deemed to be payable by him therefor on the date of application.

Provided further that in the cases referred to in Explanation II of section 134 sirdar shall, during the period a reduced amount is payable in accordance with Section 246 or 247, be liable for payment of one-half of the amount payable from time to time.

Explanation.—For purpose of clause (b) the land revenue payable by a sirdar on the date aforesaid shall, where it exceeds an amount double that computed at the hereditary rates applicable, be deemed to be equal to such amount.

(2-A) Where the amount referred to in sub-section (1) of Section 134 is deposited on a date other than the first day of the agricultural year, the land revenue payable by the bhumidhar under clause (b) of sub-section (2) for the remainder of the agricultural year in which the amount is deposited shall be determined in such manner as may be prescribed.”

9. We may first take up the case of the Suit No.31 of 1978 filed by the respondent with regard to which declaration was sought for Plot No. 521. With regard to Plot No.521 Bhumidhari Sanad was issued on 05.01.1976 in the name of Pursottam. Additional Commissioner, Board of Revenue and the High Court taken the view that Bhumidhari certificate shall relate back to the date of application by Pursottam and sale deed executed by him for Plot No.521 was valid. This Court had occasion to consider Sections 134 and 137 of U.P. Zamindari Abolition and Land Reforms Act, 1950 as well as Section 43 of the Transfer of Property Act in **Ram Pyare Vs. Ram Narain and Others, (1985) 2 SCC 162**. In the above case, the Sirdar tenant deposited land revenue and made an application for grant of Bhumidhari Sanad on 28.10.1961 and on the same day, he sold the land to appellant. Certificate was issued on 30.10.1961. The suit was filed by the sons of Sirdar praying for cancellation of sale deed. High Court decreed the suit against which the appeal was filed. This Court held that Section 43 of the Transfer of Property Act was applicable and the tenure holder

acquired the Bhumidhari rights and the suit filed by the sons of Matbar Mal was liable to be dismissed. After referring to provisions of Section 134 and 137 of the U.P. Zamindari Abolition and Land Reforms Act, 1950, this Court laid down following in Paragraph No.4:-

> **"4.** The decision in Dhani Ram v. Jokhu was approved by another Division Bench of the same court consisting of S.D. Khare and R.B. Misra, JJ., in Ram Swarup v. Deputy Director, Consolidation, ILR (1971) 1 All. 698. In the latter case the learned Judges expressed the further opinion that in a situation like the one before them, there was no reason why recourse should not be had to Section 43 of the Transfer of Property Act to feed the title as it were, if the necessary conditions were fulfilled. We agree with the reasoning of the learned Judges in Ram Swarup v. Deputy Director, Consolidation. In that case, the matter was remanded to the Deputy Director of Consolidation to consider the question of the applicability of Section 43 of the Transfer of Property Act and proceed to dispose of the matter in accordance with law. In the present case, the facts speak for themselves and we do not think that it is necessary to remand the case to the lower courts for a decision on the question of the applicability of Section 43 of the Transfer of Property Act. The amount of deposit under Section 134 of the U.P. Zamindari Abolition Act was made on October 28, 1961 and it was on the same day that the sale deed was executed by Matbar Mal. It is clear that Matbar Mal erroneously represented to the vendee that he was authorised to transfer the property and professed to transfer such

property for consideration. The very execution of the sale deed on the same day as the deposit of the requisite amount under Section 134 is significant enough to establish that the sale deed was the result of an erroneous representation by Matbar Mal. It is also clear that the present plaintiffs who are the sons of the vendor, Matbar Mal cannot possibly claim to be transferees in good faith which indeed they do not claim to be. Section 43 clearly applies to the situation. The learned counsel for the respondents however attempted to disclaim the applicability of Section 43 of the Transfer of Property Act by referring to Jumma Masjid v. Kodimaniandra Deviah, AIR 1962 SC 847. He invited our attention to the following observations of the learned Judges:

> "Now the compelling reason urged by the appellant for reading a further exception in Section 43 is that if it is construed as applicable to transfers by persons who have only spes succession is at the date of transfer, it would have the effect of nullifying Section 6(a). But Section 6(a) and Section 43 relate to two different subjects, and there is no necessary conflict between them; Section 6(a) deals with certain kinds of interests in property mentioned therein, and prohibits a transfer simpliciter of those interests. Section 43 deals with representations as to title made by a transferor who had no title at the time of transfer, and provides that the transfer shall fasten itself on the title which the transferor subsequently acquires. Section 6(a) enacts a rule of substantive law, while Section 43 enacts a rule of estoppel which is one of evidence. The two provisions

> operate on different fields, and under different conditions, and we see no ground for reading a conflict between them or for cutting down the ambit of the one by reference to the other. In our opinion, both of them can be given full effect on their own terms, in their respective spheres. To hold that transfers by persons who have only a spes successionis at the date of transfer are not within the protection afforded by Section 43 would destroy its utility to a large extent."

We are unable to see in what manner these observations can possibly assist the respondents. In the same decision, it has been observed later, referring to the decision of the Madras High Court in Official Assignee, Madras v. Sampath Naidu, AIR 1933 Mad. 795:

> "This reasoning is open to the criticism that it ignores the principle underlying Section 43. That section embodies, as already stated, a rule of estoppel and enacts that a person who makes a representation shall not be heard to allege the contrary as against a person who acts on that representation. It is immaterial whether the transferor acts bona fide or fraudulently in making the representation. It is only material to find out whether in fact the transferee has been misled. It is to be noted that when the decision under consideration was given, the relevant words of Section 43 were, 'where a person erroneously represents', and now, as amended by Act 20 of 1929, they are 'where a person fraudulently or erroneously represents', and that emphasises that

> for the purpose of the section it matters not whether the transferor acted fraudulently or innocently in making the representation, and that what is material is that he did make a representation and the transferee has acted on it. Where the transferee knew as a fact that the transferor did not possess the title which he represents he has, then he cannot be said to have acted on it when taking a transfer. Section 43 would then have no application and the transfer will fail under Section 6(a). But where the transferee does act on the representation, there is no reason why he should not have the benefit of the equitable doctrine embodied in Section 43, however fraudulent the act of the transferor might have been."

10. Another judgment, which is relevant for the present case is **Deo Nandan and Another Vs. Ram Saran and Others, (2000) 3 SCC 440.** In the said case, one Bechan was the Sirdar of agricultural land. He filed an application on 25.08.1964 for grant of Bhumidhari Sanad and on 25.08.1964, he executed a sale deed of the land to the plaintiff-appellant. Before any order could be passed granting the Bhumidhari Sanad in favour of Bechan, he died on 15.09.1964. The widow of Bechan on 05.01.1965 sold the land. Sanad was issued on 09.02.1965 in favour of Bechan w.e.f. 25.08.1964, the date on which the

application was made. Plaintiff-appellant filed a suit challenging the sale deed executed by wife of tenure holder. High Court held that on 25.08.1964, Bechan had not acquired any right, title or interest, hence he cannot transfer any right by executing a sale deed in favour of the plaintiff-appellant. This Court referred to provisions of Section 134 and 137 and held that the declaration must necessarily take effect from the date when the amount is deposited. In paragraph No.7, following has been laid down:-

> **"7.** Section 134, from its plain language, indicates and shows that on the application being made and 10 times the land revenue being paid, the sirdar becomes entitled "with effect from the date on which the amount had been deposited" to a declaration that he has acquired the rights mentioned in Section 137 of the Act. The section clearly specifies the date with effect from which the rights would stand acquired: the date is the one on which the amount contemplated by Section 134 is deposited. This clearly obviates the uncertainty of the point of time when the title is transferred by fixing the date as being the one when the amount is deposited. It would be immaterial as to when the declaration under Section 137 is made because that declaration must necessarily take effect from the date when the amount is deposited."

11. The submission that before grant of Sanad, the applicant had died was also considered by this Court

in paragraph No.9 and it was held that the certificate will have a retrospective effect. The view of the High Court was disapproved and suit was held to be entitled to be decreed. In paragraph Nos.9 and 10, following has been laid down:-

> **"9.** It is no doubt true that in the Full Bench decision in *Banshidhar* v. *Dhirajadhari, AIR 1971 ALL. 526 (FB)*, in the Single Judge decision in *Mobin Khan* v. *Chunnu Khan, 1981 All. LJ 402,* and in the decision in *Raghunandan Singh* v. *Vashwant Singh, 1978 RD 183,* a different view has been expressed by the Allahabad High Court. In the Full Bench decision, the view taken is that it is from the date when the order is passed under Section 137 that the sirdar becomes a bhumidhar. In the latter two cases, it has been held that if after filing of the application and making payment of the land revenue the applicant dies, then certificate in his name cannot be granted. In our opinion, the said decisions run counter to the plain language and meaning of Sections 134 and 137 as they stood at the relevant point of time. When a certificate is issued under Section 137, it in fact recognises the position as on the date when the application was made and the payment contemplated under Section 134(1) was deposited. The certificate, in other words, will have a retrospective effect and would relate back to the date of the application. There was nothing to prevent the Revenue Authorities from allowing the application filed under Section 134(1) on the day when it was presented. The underlying intention of the legislature, therefore, clearly is that as and when the said application is accepted and order is passed under Section 137, it must

> relate back to the date when the application was filed. Such a situation is not unknown to law. Mr Prem Prasad Juneja, learned counsel for the appellants, as an analogy, has drawn our attention to Order 22 Rule 6 CPC which provides that if any of the parties to a suit dies after the hearing has been completed and before the judgment is pronounced, the suit would not abate. The doctrine of relation back has been incorporated in Sections 134 and 137 of the U.P. Zamindari Abolition and Land Reforms Act.
>
> **10.** We are, therefore, of the opinion that the lower appellate court had rightly interpreted Sections 134 and 137 and the High Court was in error in overruling the said decision."

12. In view of law as laid down above, the judgment of Allahabad High Court in **Ram Sabodh(Supra)** cannot help the appellant. The judgment of this Court in **Deo Nandan and Another (supra)** fully covers the claim of the plaintiff-respondent with regard to Suit No. 31 of 1978 relating to Plot No.521, with regard to which Sanad was granted after death of Pursottam. We are of the view that Additional Commissioner, Board of Revenue and High Court committed no error in decreeing Suit No.31 of 1978.

13. Now, we come to the claim of the plaintiff-respondent with regard to Plot Nos. 243 and 503 in Suit

No.30 of 1978. The facts reveal that with regard to aforesaid plots, although application was made on 25.11.1974 by depositing the 20 times amount of the land revenue, but the application was rejected on 23.05.1975 by the Assistant Collector. A revision was filed by Pursottam challenging the said order, which was pending at the time when U.P. Ordinance No.1 of 1977 was issued abating the proceedings. High Court has noted that the claim of Pursottam to grant of Bhumidhari Sanad was subjudice in revision, when the proceedings were abated. It was further observed that legal heirs, who were brought on the record on the revision, due to death of Pursottam, were competent to represent the estate of deceased and cannot setup any claim adverse to the interest of the deceased. High Court observed that had Pursottam not died, he would have acquired the status of Bhumidhar under Ordinance No.1 of 1977 and since he had already executed the sale deed after depositing 20 times land revenue, it would have related back to the date when he made the application and deposited the amount.

14. We may first notice the provisions of U.P. Ordinance No.1 of 1977, which has been referred to by the High Court and which are relevant in the facts of the present case. We have noticed above that under Section 134 read with Section 137, a Sirdar after depositing 20 times of land revenue and making an application could obtain Bhumidhari Sanad. Sections 130 and 131 of U.P. Zamindari Abolition and Land Reforms Act, 1950 were substituted by U.P. Ordinance No.1 of 1977 - U.P. Zamindari Abolition and Land Reforms (Amendment) Ordinance, 1977, which was subsequently enacted as an Act namely, the Uttar Pradesh Land Laws (Amendment) Act, 1977, which are to the following effect:-

> **"Section 3: Substitution of sections 130 and 131--**For sections 130 and 131 of the principal Act, the following sections shall be substituted, namely:--
>
> > "130. Bhumidhar with transferable rights.--Every person belonging to any of the following classes, not being a person referred to in section 131, shall be called a bhumidhar with transferable rights, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhars by or under this Act, namely—

(a) every person who was a bhumidhar immediately before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977;

(b) every person who, immediately before the said date, was a sirdar referred to in clause (a) or clause (c) of section 131, as it stood immediately before the said date;

(c) every person who in any other manner acquires on or after the said date the rights of such a bhumidhar under or in accordance with the provisions of this Act.

131. Bhumidhar with non-transferable rights.--Every person belonging to any of the following classes shall be called a bhumidhar with non-transferable rights, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhars by or under this Act, namely--

(a) every person admitted as a sirdar of any land under section 195 before the date of commencement of the Uttar Pradesh Land Laws (Amendment) Act, 1977, or as a bhumidhar with non-transferable rights under the said section on or after the said date;

(b) every person who in any other manner acquires on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Act;

(c) every person who is, or has been allotted any land under the provisions of the Uttar Pradesh Bhoodan Yagna Act, 1952."

15. Section 134 was omitted by the Uttar Pradesh Land Laws (Amendment) Act, 1977. The effect of the provision was that by statute, Bhumidhari right was conferred on Sirdar, w.e.f., 28.01.1977, the date of issue of U.P. Ordinance No.1 of 1977, which was subsequently enacted as an Act, namely, U.P. Land Laws (Amendment) Act, 1977, which was deemed to have come into effect on 28.01.1977, the date of issuance of Ordinance.

16. The most important provision, which needs to be noticed in the Uttar Pradesh Land Laws (Amendment) Act, 1977 is Section 73, which dealt with transitory provisions, which is as follows:-

“Section 73: Transitory provisions

(1) Notwithstanding anything contained in any other law for the time being in force all proceedings for acquisition of bhumidhari rights under sections 134 and 135 of the Uttar Pradesh Zamindari Abolition and Land

> Reforms Act, 1950, as they stood immediately before January 28, 1977 and all proceedings arising therefrom, pending on such date before any court or authority shall abate.
>
> (2) Where any proceeding has abated under sub-section (1) the amount deposited for the acquisition of such rights shall be refunded to the person depositing the same or to his legal representatives as the case may be."

17. Section 73(1) provides that all proceedings for acquisition of bhumidhari rights under sections 134 and 135 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, as they stood immediately before 28.01.1977 and all proceedings arising therefrom, pending on such date before any court or authority shall abate.

18. The revision against the order dated 23.05.1975 was pending against the rejection of grant of Bhumidhari Sanad, which stood abated by virtue of Ordinance No.1 of 1977, as has been noted by the High Court in its judgment. The most important provision is Section 73(2), which provides that where any proceeding has abated under sub-section (1) the amount deposited for the acquisition of such rights shall be

refunded to the person depositing the same or to his legal representatives as the case may be.

19. Thus, sub-section (2) of Section 73 of U.P.Act No.8 of 1977 contemplated that all proceedings pertaining to grant of Bhumidhari Sanad shall be abated and amount deposited shall be refunded to the person applying or the legal representative. The consequence of the said provision is that the revision, which was filed by Pursottam stood abated and the amount so deposited was to be refunded to his legal representative. The claim of Pursottam to get Bhumidari rights on the basis of his application dated 25.11.1974 with regard to Plot Nos. 243 and 503, thus, stood terminated by virtue of provisions of Section 73 as extracted above. In view of provisions of Section 73 as extracted above, the claim of Pursottam to get Bhumidhari rights on the basis of his application dated 25.11.1974 stood negated. Hence, on the basis of the pendency of revision, no benefit can be taken by Pursottam and High Court erred in law in holding that by Ordinance No.1 of 1977, Pursottam had also got benefited retrospectively.

20. By statutory provision, i.e. Section 73, all pending applications and proceedings were abated and grant of Bhumidhari rights was contemplated under Sections 130 and 131, which was sought to be inserted by U.P. Ordinance No.1 of 1977. The benefit of a statutory provision shall be applicable to those Sirdars, who were Sirdars on the date when Ordinance was enforced, which subsequently became an Act. On 28.01.1977, Pursottam was already dead and his legal heirs were mutated in his place, thus, benefit of Ordinance No.1 of 1977 and the U.P. Act No. 8 of 1977 cannot be availed by Pursottam, so as to validate his sale deed dated 26.11.1974 with regard to Plot Nos. 243 and 503. High Court, thus, committed error in allowing the writ petition filed by the contesting respondent and decreeing the Suit No. 30 of 1978.

21. The writ petition filed by respondent No.3 questioning the decision of Courts below with regard to Suit No.30 of 1978 was not liable to be allowed by the High Court. All the Courts below including the Board of Revenue had taken correct view with regard to Suit No.30 of 1978 filed by the respondent.

22. In result, the appeal is partly allowed. The judgment of the High Court insofar as it allows the Writ Petition No.3020 of 1984 filed by Ajudhi @ Ayodhya is set aside. The judgment of the High Court insofar as it dismissed the Writ Petition No. 16105 of 1983 is affirmed. In consequences, the judgment of the Courts below decreeing the Suit No. 31 of 1978 of respondent Ajudhi @ Ayodhya is maintained, whereas judgment of High Court decreeing the Suit No. 30 of 1978 is set aside. Suit No.30 of 1978 of Ajudhi @ Ayodhya stands dismissed. The appeal is decided accordingly. Parties shall bear their own costs.

.....J.
(ASHOK BHUSHAN)

.....J.
(K.M. JOSEPH)

New Delhi,
March 08, 2019.