**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****RSA-1715-2022 (O&M)****Date of decision: 10.09.2025****Dhanpati****...Appellant(s)****Vs.****Rajvir Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Harvinder Singh Maan, Advocate for the appellant.

NIDHI GUPTA, J.

Present second appeal has ben filed by the plaintiff against the concurrent judgments and decrees of the learned Courts below; whereby the suit of the appellant for permanent injunction, has been dismissed by both the Courts below.

2. Brief facts of the case are that the plaintiff had claimed that she was in exclusive possession of the suit land measuring 31K 3M as per Jamabandi for the year 2011-12; and that the defendants are forcibly trying to dispossess the plaintiff. The learned Additional Civil Judge (Senior Division) Moonak (Sangrur) had dismissed the suit of the plaintiff vide judgment and decree dated 13.10.2018. The Civil Appeal filed by the appellant was also dismissed by the learned first Appellate Court vide judgment and decree dated 9.11.2021. Hence, present second appeal.

3. Learned counsel for the appellant/plaintiff *inter alia* submits that the Courts below have erred in law in deciding issues no. 1 against



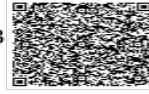
the appellant and in favour of the respondents. Though, the Courts below have observed in their judgment that the respondents are co-sharer in the suit property, but there is no finding that they are having the specific possession over the suit property on specific portion. The Courts below have failed to understand the well settled law that injunction can be granted against the co-sharer if the plaintiff is having the specific possession over the suit property. Moreover, the Courts below has failed to understand that the respondents/defendants have no power to change nature of suit property.

4. It is submitted by learned counsel for the appellant that the appellant through the oral as well as documentary evidence, which was brought on file, has established that the appellant has the specific possession over the suit property as per her share and the Courts below have erred in law to understand the well settled law and further there is no finding that the respondents are having the possession over the 73//21/2 min (1-19). The Courts below have misread evidence led by the appellant.

5. No other argument is raised on behalf of the appellant.

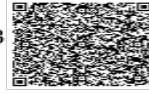
6. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the plaintiff.

7. There are positive findings on record to show that plaintiff has failed to produce any Khasra Girdawari in her name. The plaintiff has stated that Khasra Girdawari was in the name of the person, who was



earlier owner of the suit land; and thus, predecessor-in-interest of the present defendants had no right in the land; and that the plaintiff has come into possession of the suit property by way of a Sale Deed No. 373 dated 02.06.2016 but she could not inform as to the amount for which she had purchased the said land. However, the record reveals that the said Sale Deed does not mention any specific khasra numbers. Moreover, the same is scribed on a stamp paper which was purchased on dated 27.10.2016; whereas the writing is dated 24.10.2016. Plaintiff was unable to explain the said anomaly as to how writing could be made on 24.10.2016 when the stamp paper was purchased on 27.10.2016. Furthermore, PW3 Namberdar has stated in his cross-examination that vendors of the plaintiff were not shown to be in exclusive possession over any particular khasra No. of the revenue record. Thus, exclusive possession of the plaintiff over the suit land could not be proved; and accordingly, the plaintiff was only a co-sharer in the suit land. In this regard, findings of the learned Additional District Judge, Sangrur as contained in judgment dated 09.11.2021 are relevant, which read as under:-

“16. Since plaintiff had approached the court for relief of permanent injunction, she was under an obligation to prove that she was in exclusive possession of the Khasra No. 73//21/2 (1-19) as asserted by her. But the plaintiff miserably failed to prove her exclusive possession over the said Khasra number. None of the witnesses examined by plaintiffs could prove her exclusive possession on the said Khasra number.



Admittedly the suit property is still joint and had not been partitioned. The affidavit of the vendors Ex. P2 as such was not proved as per law and otherwise also plaintiff did not bring the best evidence i.e., the sale deed vide which she had purchased the suit property and Khasra Girdawari which could prove that her vendors and after them, she was in exclusive possession over the Khasra No. 73//21/2, Plaintiff admittedly is co-sharer which is evident from Ex. P1, along with other co-sharers including father of defendants and she could not prove her exclusive possession over the aforesaid khasra number. Therefore, learned Trial Court aptly dismissed the suit of plaintiff.”

8. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.
9. In view of the discussion above, no ground is made out to interfere in the impugned concurrent judgments and decrees of the learned Courts below. The present Regular Second Appeal is hereby **dismissed**.
10. Pending applications, if any, stand disposed of.

10.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No