



RSA No. 2904 of 2025 (O&M) -1-

112 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA No. 2904 of 2025 (O&M)  
DATE OF DECISION: 23.09.2025

HARMINDER ARORA

.....APPELLANT

Vs.

JOGINDER KAUR ALIAS JOGINDRO AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ankit Aggarwal, Legal Aid Counsel,  
for the appellant

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AMARINDER SINGH GREWAL, J.

CM No. 10208-C-2025

(i) After going through the contents of the application and having heard learned counsel for the applicant-appellant, the delay of 258 days in filing the appeal is found to have been satisfactorily explained and therefore, the same is ordered to be condoned.

(ii) CM stands disposed of.

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1. The present Regular Second Appeal has been filed by the appellant-plaintiff assailing the judgment and decree dated 27.08.2024, passed by the learned District Judge, Moga, whereby the appeal preferred by the appellant-plaintiff was dismissed, thereby affirming the judgment and decree dated 29.05.2023, passed by the learned Civil Judge (Senior Division), Moga, dismissing the suit filed by the appellant-plaintiff.



2. Brief facts of the case are that the appellant, Harminder Arora, son of Inderjit, filed a civil suit under Section 6 of the Specific Relief Act, 1963, for possession of the premises in dispute against the respondents-defendants, namely Joginder Kaur alias Jogindro, wife of Binder Singh, and her husband Binder Singh by filing CIS No. CS-1916-2018, instituted on 22.11.2018, on the averments that the respondents-defendants are the owners of the shop in question. In the month of February 2017, the plaintiff-appellant was searching for a shop on rent to start his business of 'kiriyana' and to open a general store. The respondents-defendants approached the plaintiff-appellant and made an offer to let out the shop in question at a monthly rent of ₹500/-. The plaintiff-appellant accepted the said offer. On 01.03.2017, the plaintiff-appellant took possession of the shop in question and opened a general store under the name and style of M/s Inderjit Harminder Kumar. Hence, from 01.03.2017 the plaintiff was in lawful, peaceful, and continuous possession of the shop in question.

2.2 On 25.04.2018, the respondents-defendants asked the plaintiff-appellant to vacate the shop immediately. The plaintiff-appellant replied that he would vacate the shop after arranging an alternative shop. However, the respondents-defendants were bent upon taking possession of the shop from the plaintiff-appellant by hook or crook. Aggrieved, the plaintiff-appellant moved an application dated 27.04.2018 before the Senior Superintendent of Police, Moga, against the respondents-defendants. On 26.05.2018, when the plaintiff-appellant had gone to attend a meeting at Ludhiana, the respondents-defendants along with their son, taking advantage of his absence, forcibly and illegally took possession of the shop



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in question. The plaintiff-appellant again complained to the police authorities but to no avail. Hence, the plaintiff-appellant filed a civil suit before the learned Civil Judge (Senior Division), Moga.

2.3 Upon notice, the respondents-defendants filed their written statement and took preliminary objections regarding maintainability and *locus standi*. It was further submitted that on demand of rent, the plaintiff-appellant voluntarily vacated the shop after removing his articles, and later filed the present suit. The respondents-defendants also submitted that they were not in possession of the shop in question, as the same had been sold to another person.

2.4 After hearing the parties, as many as seven issues were framed including the relief clause. The plaintiff-appellant examined four witnesses and closed his evidence. The respondents-defendants, on the other hand, tendered into evidence a notarized copy of sale deed dated 01.05.2019 as Ex. D-1 whereby suit property was sold to one Jagsir Singh.

2.5 Upon appraisal of evidence, the learned Civil Judge (Senior Division), Moga, dismissed the suit of the plaintiff-appellant, vide judgment and decree dated 29.05.2023.

2.6 Thereafter, the plaintiff-appellant filed Civil Appeal No. 70 dated 07.07.2023 before the learned District Judge, Moga, against the respondents-defendants, but the same was dismissed, vide judgment and decree dated 27.08.2024.

3. Learned counsel for the appellant-plaintiff submits that the appellant was in lawful possession of the shop in question since 01.03.2017, as he had taken it on rent from the respondents-defendants.



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However, the respondents-defendants were bent upon dispossessing him and threatened him to vacate the shop. It is further contended that although complaints were moved before the police authorities, no action was taken. Furthermore, contended that on 26.05.2018, when the appellant was away at Ludhiana, the respondents-defendants and their son forcibly and illegally dispossessed him.

3.1 It is further contended that the appellant-plaintiff had proved various documents before the learned lower Courts, but the same were not properly appreciated. It is argued that as the appellant-plaintiff was dispossessed forcibly and illegally, the learned Courts below erred in dismissing the suit as well as the appeal. Thus, it is prayed that the appellant is entitled to recover possession of the suit property.

4. I have heard learned counsel for the appellant-plaintiff and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents, as it would delay the proceedings and entail additional expense.

6. Keeping in view the above and after hearing learned counsel for the appellant, this Court finds that these submissions were duly considered by the learned Courts below, but the version of the appellant was not believed. The respondents-defendants produced in evidence the statement of the appellant (Ex. D-4/A) given to the police, in which he had agreed to vacate the shop on 01.04.2018. The respondents-defendants also placed on record a sale deed dated 01.05.2019 (Ex. D-1), executed in favour of Jagsir Singh, whereby the suit property was sold. It was their



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submission that they were no longer in possession of the suit property after having sold it to Jagsir Singh. Once the respondents-defendants had sold the property in dispute, the onus was upon the appellant to prove that they continued to remain in possession of the suit property, which he failed to establish. Accordingly, the learned Courts below rightly held that the suit was not maintainable.

7. Thus, this Court finds no merit in the prayer for setting aside the judgment and decree dated 27.08.2024, passed by the learned District Judge, Moga. The present appeal, being devoid of merit, is accordingly dismissed. No order as to costs.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

**SEPTEMBER 23, 2025**  
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**(AMARINDER SINGH GREWAL)**  
**JUDGE**

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|--------------------|--------|
| Whether Speaking   | Yes/No |
| Whether Reportable | Yes/No |