



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**RSA-898-2018 (O&M)  
Reserved on: 12.08.2025  
Pronounced on: 19.08.2025**

BHAJAN SINGH

... Appellant

VERSUS

JARNAIL SINGH AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Shangara Singh, Advocate for the appellant.

**ALKA SARIN, J. (ORAL)**

1. The present regular second appeal has been preferred by the defendant No.1-appellant against the judgements and decrees dated 24.11.2015 and 03.10.2017 passed by the Trial Court and the First Appellate Court decreeing the suit of the plaintiff-respondent No.1 and dismissing the appeal of the defendant No.1-appellant.

2. The parties to the suit are all real brothers. The suit for declaration and permanent injunction was filed by the plaintiff-respondent No.1 on the premise that a lease deed for the suit land measuring 47 bighas 5 biswas in village Ojan was executed on 25.05.1968. The said lease deed was for 99 years and in favour of the all the five brothers. However, the mutation no.56 qua the lease deed was wrongly entered in the revenue record to the exclusion of the plaintiff-respondent No.1. This error had been carried forwards for a number of years in the jamabandis also. An application filed before the revenue authorities for correcting the entries was stated to be pending. However, the defendants were threatening to sell the suit land. Hence, the suit for

declaration and permanent injunction. The defendant No.1-appellant contested the suit raising preliminary objections about maintainability, limitation, cause of action etc. On merits it was pleaded that the suit land belonged Dharamshala Bhai Veer Singh and in surplus area proceedings the suit land went to the State of Punjab under the order of the Hon'ble Supreme Court. The defendants applied for possessory rights and purchased the suit land from the State of Punjab and a sale certificate was issued and the defendants deposited Rs.14594/- as sale price in favour of the State and mutation of the land was sanctioned on 19.03.1998. It was submitted that the earlier mutation was of no effect since thereafter the suit land vested in the State and had been purchased by the defendants. The defendant Nos.2 to 4 (respondent Nos.2 to 4 herein) did not contest the suit pleaded that it be decreed. No replication was filed by the plaintiff-respondent No.1.

3. From the pleadings of the parties following issues were framed by the Trial Court :

1. Whether the plaintiff is entitled to declaration as prayed for ? OPP
2. Whether the plaintiff is entitled to permanent injunction as prayed for ? OPD
3. Whether the suit is not maintainable in the present form ? OPD
4. Whether the suit of the plaintiff is time barred ? OPD
5. Whether the plaintiff has no cause of action to file the suit ? OPD
6. Relief.

4. Vide judgement and decree dated 24.11.2015 the Trial Court partly decreed the suit of the plaintiff-respondent No.1 who was ordered to be entered as owner and in joint possession to the extent of 1/5<sup>th</sup> share in the suit land. Since the plaintiff-respondent No.1 could not prove his exclusive possession, the relief of permanent injunction was not granted. The appeal of the defendant No.1-appellant was also dismissed by the First Appellate Court vide judgement and decree dated 03.10.2017. Hence, the present regular second appeal by the defendant No.1-appellant.

5. Learned counsel for the defendant No.1-appellant has contended that both the Courts have erred in partly decreeing the suit of the plaintiff-respondent No.1. It is urged that the plaintiff-respondent No.1 was wrongly relying upon a lease deed when infact the suit land had been purchased by the defendants after the decision of the surplus area case and therefore the revenue entries were correct and the suit should have been dismissed.

6. Heard counsel for the defendant No.1-appellant and perused the record.

7. In the present case the suit of the plaintiff-respondent No.1 has concurrently been partly decreed by both the Courts. The plaintiff-respondent No.1 was found to being a lessee in the suit land along with his brothers vide lease deed dated 25.05.1968 (Ex.P1). The corresponding mutation entry (Ex.P2) does not mention the name of the plaintiff-respondent No.1. The lease deed (Ex.P1) stands duly proved. The other brothers of the plaintiff-respondent No.1 i.e. the defendant Nos.2 to 4 (respondent Nos.2 to 4 herein) admitted the case of the plaintiff-respondent No.1. On the contrary the defendant No.1-appellant did not lead even an iota of evidence to substantiate the averments made by him in his written statement and infact his evidence

was closed by order. Before this Court also learned counsel for the defendant No.1-appellant has been unable to show anything on the record to prove any of the averments made in the written statement. Learned counsel for the defendant No.1-appellant is unable to point to any substantial and reliable evidence on the record to dislodge the concurrent findings recorded by both the Courts. In the absence of such reliable evidence, the findings recorded by both the Courts cannot be faulted. No other point was argued.

8. In view of the above, no mistake or error of law or facts can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

**19.08.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*