



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

243

**RSA-372-2023 (O&M)  
Date of decision :11.09.2025**

LALITA SHARMA

... APPELLANT

**VERSUS**

MADAN LAL AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Nakul Sharma, Advocate  
for the appellant

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**PARMOD GOYAL, J. (ORAL)**

1. Unsuccessful appellant-plaintiff has preferred present appeal being aggrieved by impugned judgment and decree dated 25.09.2018 and 20.09.2022 passed by Civil Judge (Senior Division), Fazilka and learned District Judge, Fazilka respectively.
2. The simple case of appellant-plaintiff was that the appellant-plaintiff had purchased suit property vide sale-deed dated 21.02.1992 as regards to land falling in Khasra No. 174. Mutation No. 2264 dated 03.06.2011 was recorded on the basis of above-noted sale-deed. It is the case of the plaintiff-appellant that defendants-respondents are causing forcible, illegal and unauthorized interference into the peaceful possession of the land and accordingly plaintiff-appellant had sought permanent injunction against the defendants. Defendant Nos. 1 and 3, on the other hand took the defence that defendant No. 3 had purchased plot measuring 5 marlas 5 Sarsai comprised in Khasra No. 171 vide sale-deed dated 27.10.2009 and accordingly he is in possession of land comprised in Khasra No. 171.
3. From the pleadings of the parties, following issues were framed:-



- “1. Whether the plaintiff is in possession of the suit property ?OPP.
2. Whether the plaintiff is entitled for permanent injunction? OPP.
3. Whether the site plan filed by the plaintiff is correct? OPP.
4. Whether the suit of the plaintiff is not maintainable in its present form ? OPD.
5. Whether the defendant No.3 is in possession of plot measuring 5 marlas 5 sarsai as detailed in the head note of the counter claim ? OPD.
6. Whether the defendants No.1 and 3 are entitled for permanent injunction in the counter claim ? OPD.
7. Whether the plaintiff is estopped by his own act and conduct from filing the present suit ? OPD.
8. Whether the plaintiff has no cause of action to file the present suit ?OPD.
9. Whether the suit of the plaintiff is bad for misjoinder of necessary parties ? OPD.
10. Whether the plaintiff has concealed the material facts from the court? OPD.
11. Relief.”

4. Both the Courts by their identical findings on various issues dismissed the suit as well as appeal. Perusal of both the judgments goes to show that both the Courts below have found that plaintiff as well as defendant No. 3 are owners of their specific areas, which they had purchased vide sale-deed executed in favour of plaintiff on 21.02.1992 and sale-deed executed in favour of defendant No. 3 dated 27.10.2009.

5. It is also concluded by both the Courts that plaintiff is owner of land comprised in Khasra No. 174 whereas defendant No. 3 is owner of the land comprised in Khasra No. 171.

6. Reliance is placed upon the report of the local commission Ex. D-2



which is accompanied by site plan Ex. D-4 by both the Courts below to conclude that land in possession of defendant No. 3 comprised in Khasra No. 171 is not part of land being claimed by the plaintiff as the land of plaintiff was comprised in Khasra No. 174.

7. Learned counsel for the appellant has argued that learned Courts below have wrongly relied upon report of Local Commissioner (Ex. D-2 and Ex. D-4). Even for the sake of arguments, if these reports are excluded. I find that no different conclusion can be drawn in the facts and circumstances of the case. Entire case of the appellant is that he is owner of Khasra No. 174 and part of land out of Khasra No. 174 is being encroached or interfered by the defendants. It is, therefore, duty of the plaintiff that the land being encroached or being interfered by defendant No. 3 was part of Khasra No 174, however, except for mere statement, oral assertions by way of evidence of plaintiff, no material has been placed on record that the area being claimed to be under Khasra No. 171 by defendant No. 3 is part of Khasra No. 174 and not of Khasra No. 171.

8. I do not find any material to interfere in the concurrent findings of both the Courts below. Findings of the Courts below are affirmed. No question of law arises in the present appeal. Appeal is without merit, hence dismissed.

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

11.09.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

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