



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

144

**RSA-778-2025 (O&M)  
Date of decision : 28.07.2025**

**Hari Chand deceased through his LRs** ..... **Appellant**

**versus**

**Jai Bhagwan and another** ..... **Respondents**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Pankaj Gautam, Advocate  
for the appellant.

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**PANKAJ JAIN, J. (Oral)**

1. Defendant is in appeal. Plaintiff filed suit seeking relief of permanent injunction.
2. As per the plaintiff, he is exclusive owner of the suit property as detailed out in the headnote of the plaint. While plaintiff was constructing boundary wall over the same, defendant started interfering with an intent to dispossess the plaintiff. Plaintiff thus, seeks decree of permanent injunction.
3. Defendant in written statement claims that he and his brother Partap sons of Sheo Karan purchased the suit property from Kura son of Jhunda son of Ram Dass vide sale deed dated 23.07.1981 and are in possession of the property since then. They disputed the ownership of the plaintiff. It was claimed that son-in-law of Kura was booked in a criminal case. Kura required Rs.400/- to pursue the case of his son-in-law. He borrowed the same from defendant and his brother Pratap. In order to pay back the said amount, Kura sold the suit land to



defendant and his brother for Rs.99/-. Remaining amount was paid by him to defendant and his brother in installments. Sale deed was executed in presence of two witnesses and was scribed by deed writer.

4. Plaintiffs in order to prove their ownership, relied upon judgment passed in civil suit No.84 of 18.03.1993, decided on 06.04.1993 by Court of Sub-Judge II Class Jind, Ex. P4 and decree Ex. P5. As per the same, Kura relinquished his share in the suit property in favour of plaintiff. The same was mutated in revenue record. Plaintiff further proved that as per the revenue record, he has been recorded to be owner of the suit property. Defendant in order to rebut the presumption attached to the revenue record, relied upon sale deed date 23.07.1981 claimed to have been executed in their favour by Kura for a consideration of Rs.99/-.

5. Both the Courts below held that the plaintiff having proved judgment and decree in his favour and thus proved ownership, is entitled for decree of permanent injunction.

6. Counsel for the appellant has assailed the findings recorded by the Courts below and submits that once Kura sold property in favour of the appellant vide sale deed dated 23.7.1981, judgment and decree propounded by the plaintiff in his favour dated 06.04.1993, claiming Kura relinquished his rights in his favour is inconsequential.

7. Having heard counsel for the appellant and after carefully going through records of the case, this Court finds that ownership of Kura over the suit property is not in dispute. Both the parties are claiming property through Kura. Judgment and decree dated 06.04.1993 Ex. P-4 and Ex. P-5 have been proved on record by the



plaintiff. The same have remained unchallenged till date. The judgment and decree stands mutated in the revenue record. As per jamabandi for the year 2008-09 Ex.P-8, it is the plaintiff who has been shown to be owner of the suit property. The record of right has a presumption of truth attached thereto. Defendant in order to rebut the same, relied upon sale deed dated 23.07.1981. Though, as per sale deed dated 23.07.1981, defendant claims that Kura sold the suit land in his favour for a consideration of Rs. 99/- and was not required to be registered, yet defendant was required to prove the said sale deed in terms of Section 68 of the Evidence Act. No effort was made to examine the attesting witnesses of the sale deed. The evidence led by plaintiff remained un rebutted.

8. In view thereof, this Court finds that the defendant having failed to lead any evidence to rebut the evidence led by the plaintiff to prove his ownership over the suit land, Courts below have rightly decreed the suit filed by the plaintiff.

9. Finding no merits in the present appeal, the same is ordered to be dismissed.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**28.07.2025**

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Whether speaking/reasoned : Yes

Whether Reportable : No