

**RSA-3482-2018 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****(111)****RSA-3482-2018 (O&M)****Date of decision:- 02.07.2025****Amarjit Singh and others****... Appellants****Versus****Balkar Singh and another****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ranjodh Singh Sidhu, Advocate  
for the appellants.

**\*\*\*\*****SUVIR SEHGAL, J. (ORAL)**

1. Appellants/plaintiffs are in second appeal before this Court assailing the concurrent finding recorded by the two Courts.
2. Plaintiffs filed a suit for partition of a residential house (hereinafter referred to as "the suit property") and for permanent injunction restraining the defendants from alienating it. It has been pleaded that their predecessor, Hari Singh, was the owner of the house and after his death, his three sons, Jarnail Singh, Karnail Singh and Kartar Singh inherited his estate. The suit property fell to the share of Kartar Singh, who died issueless and after the death of his widow, Surjit Kaur, her estate was inherited by Jarnail Singh and Karnail Singh. When Jarnail Singh died, defendant No.1 inherited his estate being his son. Karnail Singh also expired and plaintiff No.1 and Narinder Singh acquired his estate. After the death of Narinder Singh, plaintiffs No.2 and 3 have stepped into his shoes. Kartar Singh was the owner of the house and now the plaintiffs being the legal representatives of his brother, Karnail Singh, are entitled to ½ share and



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defendants are entitled to the remaining ½ share. It has been averred that defendant No.2 is in the joint possession of the suit property and is threatening to alienate it. Upon notice, defendants filed their written statement contesting the suit on merits as well as by raising various preliminary objections. All the factual averments have been denied and a stand has been taken that after the death of Jarnail Singh, defendants are in possession of the suit property and their possession is hostile to the knowledge of plaintiffs. Suit property is situated within the *lal dora* of village Jaura. Plaintiffs filed replication and on the basis of the pleadings of the parties, Trial Court framed issues. After the parties led evidence and were heard, Trial Court dismissed the suit vide judgment and decree dated 04.10.2017. Plaintiffs remained unsuccessful in the first appeal, which was rejected by the learned Additional District Judge, Tarn Taran by judgment dated 12.02.2018 resulting in the institution of the present appeal.

3. By making a reference to the evidence adduced by the plaintiffs, counsel for the appellants has argued that the plaintiffs had established their case, but both the Courts have failed to appreciate the evidence and have erred in rejecting the suit. He contends that the judgments and decrees passed by the Courts cannot be sustained and are liable to be reversed.

4. I have heard counsel for the appellants and have considered his submissions, besides examining the requisitioned record.

5. Amarjit Singh, one of the plaintiffs, has stepped in the witness box as PW-1 and deposed in support of the plaint. However, in his cross-examination, he candidly admitted that he does not have any proof of the



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ownership of the suit property. He has admitted that after the death of Jarnail Singh, father of respondent No.1, his sons are in possession. Kulwant Singh, PW-2, has produced the site plan, Ex.P-1, which he states to have been prepared on the basis of the sketch provided by Amarjit Singh-plaintiff. The third witness produced by the plaintiffs is Nachhattar Singh, PW-3, who did not have any knowledge about the ownership of the suit property. Plaintiffs have failed to bring on record any documentary evidence to establish their ownership or possession over the suit property. Rather, Amarjit Singh in his cross-examination has explicitly admitted that the respondents are in its possession. In order to succeed in a suit for partition and permanent injunction, it is incumbent upon the plaintiffs to establish their ownership, but they have miserably failed to do so. During the course of arguments before this Court, counsel for the appellants also could not point out to any evidence regarding the ownership or possession of the plaintiffs over the suit property.. This Court does not find any infirmity or illegality in the judgments and decrees passed by both the Courts, which are affirmed.

6. Finding no merit in the appeal, it is dismissed, though with no order as to costs.

7. As the main appeal has been decided, pending application(s), if any, is/are disposed of.

02.07.2025

*Kamal*

**(SUVIR SEHGAL)**  
**JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No