



RSA-1371-2022 (O&M)

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

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RSA-1371-2022 (O&M)

Date of Decision:09.07.2025

Teja Singh

... Appellant

Versus

Raj Kaur and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munish Raj Chaudhary, Advocate for the appellant.

SUVIR SEHGAL J.

1. Aggrieved of concurrent finding recorded by two courts, appellant/plaintiff has filed the instant second appeal.
2. Plaintiff filed a suit for declaration to the effect that he is owner in possession of the residential house described in the plaint and that sale deed dated 27.03.2012 executed by defendant No.1 in favour of defendant No.2 pertaining to a portion of the suit property is illegal. It has been pleaded that Jora Singh, father of the plaintiff and defendants No.3 to 5 was the owner of the suit property. He also owned some other properties. During his lifetime, he effected a verbal family settlement with consent of his children, who were put in possession of their respective share in the properties. One residential house fell to the share of defendant No.3 and another fell to share of Gurmail Singh, deceased husband of defendant No.1. Suit property fell to the share of plaintiffs and defendants No. 4 to 5 who have relinquished their share in favour of plaintiff. After the death of her husband, defendant No.1 has been residing at her parental house and she has no concern with the suit



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property but in connivance with defendant No.2 and claiming herself to be the co-owner, she sold a share in the suit property vide sale deed dated 27.03.2012. On the strength of the sale deed, defendant No.2 has damaged a boundary wall and forcibly tried to take possession. Upon being served, defendants No.1 and 2 filed a joint written statement taking various preliminary objections. It has been claimed that the disputed house fell to the share of the plaintiff as well as Gurmail Singh, husband of defendant No.1 by virtue of the family settlement. Being owner to the extent of $\frac{1}{2}$ share, she sold her share to defendant No.2 for a consideration of Rs.2,87,500/-. A separate written statement was filed on behalf of defendants No. 4 and 5 acceding to the claim of plaintiff. A replication was filed by plaintiff reasserting his stand. Issues were framed on the basis of the pleadings of the parties, who led evidence in support of their respective case. After the parties were heard, trial Court dismissed the suit vide judgment and decree dated 04.01.2017. Plaintiff remained unsuccessful in the first appeal, which was rejected by the learned District Judge, Barnala on 05.03.2020 resulting in the institution of the present appeal.

3. Counsel for the appellant has argued that the courts have erred in dismissing the suit despite the fact that plaintiff is in exclusive possession as owner. He urges that the courts have failed to appreciate the evidence led by the plaintiff to establish his title.

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

5. Plaintiff has averred that the suit property was jointly given



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to him as well as defendants No.4 and 5 by their parents in an oral family settlement. He claims that defendants No. 4 and 5 relinquished their rights in the property in favour of the plaintiff. Defendants No. 4 and 5 have admitted his claim. However, plaintiff has not been able to establish that he is the exclusive owner of the suit property. There is no evidence on record, except for the bald statement of the plaintiff that any settlement or partition, as alleged by the plaintiff had ever taken place. Although, plaintiff claims that settlement took place in the presence and consent of his siblings, but he did not produce them in the witness box. Besides the stepping into the witness box as his own witness, plaintiff has examined Bahadur Singh LDC, PSPCL as PW-3, who has deposed that the disputed house has an electric connection, Ex.P8-A, in the name of Teja Singh. He has produced electricity bills Ex.D-1 and receipt Ex.D-2, as well as a register Ex.D-3, which are in the name of Raj Kaur.-defendant No. 1. The evidence of the second witness does not advance the case of the plaintiff. In the absence of any evidence, this Court does not find any infirmity or illegality in the judgments passed by the courts below, which are affirmed.

6. Appeal being bereft of merit is dismissed with no order as to costs.

7. Pending application is disposed of.

09.07.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

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