



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

115)

RSA No.2092 of 2018 (O&M)  
Date of decision: 03.04.2025

Satvinder Singh

....Appellant

V/s

Smt. Asha and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Rajesh Bansal, Advocate, for the appellant.

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**VIKRAM AGGARWAL, J.(ORAL)**

This is plaintiff's appeal against the judgment and decree dated 18.10.2017 passed by the Court of learned Additional District Judge, Panipat, dismissing the appeal preferred against the judgment and decree dated 23.02.2015 passed by the Court of learned Civil Judge (Jr. Divn.), Panipat, vide which the suit of the plaintiff for declaration and permanent injunction was dismissed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The facts, in brief, are that plaintiff (Satvinder Singh) filed a suit for declaration to the effect that he was the exclusive owner in possession of plot Marked as 'ABCD' in the site plan (fully described in the plaint) situated within the revenue estate of Village Mehrana, District Panipat (hereinafter referred to as the "suit property") and for permanent injunction restraining the defendants from interfering in his peaceful possession or from forcibly dispossessing him from the suit property.

4. The case set up was that the plaintiff was that he had purchased certain lands situated in the revenue estate of Village Mehrana, District



Panipat. He had sold most of the properties but was in possession of 600 sq. yrds land out of the suit property which was in the form of three plots. The plot shown in red colour in the site plan was in the possession of the plaintiff. One Somnath claimed that he had purchased the said plot by way of agreement to sell dated 28.11.2002 but could not get the sale deed executed. However, the plaintiff had never sold this plot to Somnath. Defendants No.1 to 4, being the legal heirs of Somnath had issued a legal notice dated 12.06.2006 but subsequently no action was taken and the plaintiff remained in possession of the said plot.

5. Defendant No.7 (Sushil) claimed to have purchased the plot from Shyam Singh, who further claimed to have purchased this plot from Mehtab Singh and who further claimed to have purchased the plot from defendants No.1 to 4. On 26.10.2008, all defendants came to the plot and stacked some bricks and tried to raise construction. In view of the same, the suit was filed.

6. The defendants did not put in appearance and were accordingly proceeded against *ex parte*.

7. In the *ex parte* evidence, the plaintiff appeared as PW1 and examined one Naveen Kumar Jain, Draftsman as PW2. He further tendered into evidence documents Exs.P1 to P4. Both Courts found that except the bald statement of the plaintiff, there was no document to establish that plaintiff was the owner in possession of the plot in question and accordingly the suit was dismissed.

8. The appeal filed against the said judgment and decree was also dismissed leading to the filing of the instant appeal.

9. I have heard learned counsel for the appellant.

10. Learned counsel for the appellant submits that both the Courts



erred in dismissing the suit. He has referred to the judgments passed by the learned trial Court and the learned first appellate Court and has submitted that the said judgments are not sustainable.

11. I have considered the submissions made by learned counsel for the appellant/plaintiff but find the same to be devoid of merit.

12. It was for the plaintiff to prove his own case, by leading cogent evidence even though the defendants had been proceeded against *ex parte*. Both Courts found that except for the bald statement of the plaintiff, there was no document on record to establish that the plaintiff was owner in possession of the suit property. Exs.P1 to P4 were not found to co-relate the plaintiff with the suit property. Under the circumstances, the plaintiff was non-suited. Learned counsel for the appellant has not been able to show anything from the judgments or from the record to even *prima facie* suggest that the findings recorded by both Courts are contrary to record. Under the circumstances, there is no reason or occasion for this Court to interfere in the concurrent findings of facts recorded by both Courts warranting interference in second appeal.

13. In view of the aforesaid facts and circumstances, I do not find any merit in the instant regular second appeal and the same is accordingly dismissed.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**April 03, 2025**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No