



RSA-1544 of 1990

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1544-1990 (O&M)

Reserved on 09.09.2025

Pronounced on : 12.09.2025

Jagir Singh

.....Appellant

Versus

Rajbir Singh & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by: M. Vishal Munjal, Advocate and
Ms. Bindu Bala, Advocate
for the appellant.

Mr. Baldev Singh, Advocate
For respondent No.1(through VC).

DEEPAK GUPTA, J.

One of the defendants has approached this Court against the concurrent findings of the Courts below. The dispute relates to land measuring 11 Marla 6 Sarsahi forming part of Khasra No. 7/9/2/2, situated in village Dhakki, Tehsil Pathankot, District Gurdaspur.

2. Defendant No.2, Kuldev Singh, was the original owner of the above Khasra measuring 7 Kanal 9 Marla. On 28.01.1965, he sold the suit portion to defendant No.3 Dhian Singh through a registered sale deed (Ex.P2). Later, on 29.04.1983, Dhian Singh sold the suit land to plaintiff Smt. Amarjeet Kaur (now represented by respondent No.1). However, since the 1965 sale in favour of Dhian Singh was not reflected in the revenue record, Kuldev Singh, taking advantage of the omission, purported to sell the entire Khasra to the present appellant Jagir Singh by a sale deed dated 22.02.1980 (Ex.P3).

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3. The plaintiff filed a suit seeking declaration of ownership of the suit land on the basis of her sale deed dated 29.04.1983 (Ex.P2) and challenged the revenue entries showing the appellant as owner.
4. The defendant-appellant contested the suit by denying the earlier sale deeds and claimed ownership of the entire Khasra on the strength of his 1980 sale deed.
5. The trial Court decreed the suit on 08.01.1988, which was affirmed in appeal on 13.03.1990.
6. In second appeal, it is argued on behalf of the appellant that the Courts below failed to appreciate the evidence properly.
7. The contention is meritless. The fact remains that Kuldev Singh lost title to the suit land in 1965, when he sold it to Dhian Singh. Hence, he had no right to sell it again in 1980. The plaintiff, having purchased the property from Dhian Singh, the last valid owner, acquired a perfect title.
8. The plea of protection under Section 41 of the Transfer of Property Act has rightly been rejected. The Courts below found that the appellant claimed to have taken possession from Bakhtawar Singh, but Bakhtawar Singh (PW7) categorically denied having delivered possession. Further, there was no evidence to show that Kuldev Singh was the ostensible owner of the suit land in 1980. Consequently, Section 41 could not be invoked.
9. Equally untenable is the plea of adverse possession. The appellant's own case was that possession had been delivered by Bakhtawar Singh, which was denied by Bakhtawar Singh himself. Revenue entries (Jamabandi Ex.D3 and Ex.D4) also recorded Bakhtawar Singh as owner in possession of other land in the same Khasra, not the suit land. Thus, the appellant failed to prove actual possession, and so, the question of perfecting adverse possession did not arise.

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10. In view of the above, this Court finds no infirmity in the concurrent findings of the Courts below, which are based on proper appreciation of evidence. The appeal is without merit and is accordingly dismissed.

12.09.2025*Jiten***(DEEPAK GUPTA)
JUDGE**

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