

2025:PHHC:006776



S. No.104

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

RSA No.4440 of 2019 (O&M)

Date of Decision:17.01.2025

Balbir Singh

.....Appellant

Vs.

Sukha Singh and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Arora, Advocate for the appellant.

DEEPAK GUPTA, J. (Oral)

Plaintiff of the suit is in this Regular Second Appeal against the concurrent findings of the Courts below inasmuch as suit filed by him seeking a decree of permanent injunction regarding suit property was dismissed by the trial Court on 12.07.2018 and appeal filed by him was dismissed by the First Appellate Court on 12.02.2019.

2. In order to avoid confusion, the parties shall be referred as per their status before the trial Court.

3. Plaintiff claimed to be owner in possession of the suit property. According to him, earlier he was owner of a plot which he gave to defendant No.2 in exchange for the suit property and then raised construction of a house on the suit property about 10 years back. It was further claimed that plaintiff and defendant No.2 executed an affidavit dated 23.08.2013 regarding exchange made in the year 1982. Defendant No.1 in his written statement denied the claim. According to him, plaintiff is son of Piara Singh whereas defendant No.1 is son of Shingara Singh. Dhan Kaur was earlier married to Piara Singh and out of that wedlock, plaintiff was born. After the death of Piara Singh, Dhan Kaur remarried Shingara Singh and from that wedlock, defendant No.1 was born. It was pleaded further that in an agreement dated 08.04.1998, written in the Gram Panchayat, between plaintiff and Shingara Singh, land measuring 04 marla of the house and 02 marla was given to plaintiff whereas 02 marla was given to

**RSA No.4440 of 2019 (O&M) -2-**

Shingara Singh on which Shingara Singh and his son Mukhtiar Singh @ Sukha Singh i.e. defendant No.1 raised construction of the house and got an electricity meter installed. Any concern of defendant No.2 with the suit property is denied.

4. Necessary issues were framed. Evidence produced by the parties was taken on record. The trial Court came to the conclusion that the plaintiff had failed to prove either his title or possession over the suit property and so dismissed the suit. The Appellate Court affirmed the finding.

5. Although learned counsel for the appellant contended that evidence on file has not been properly appreciated by the Courts below, but could not convince this Court as to which part of evidence was not considered by them. Perusal of the file reveals that only the oral evidence was produced by the plaintiff apart from certain photographs which were not sufficient to prove his title or possession. Learned Courts below rightly came to the conclusion that site plan or the photographs produced on file by the plaintiff could not be taken as proof of ownership of the plaintiff or possession over the suit property.

6. After appraising the judgments of the Courts below, this Court does not find any reason to interfere in the concurrent findings of fact, as the same are based upon proper appreciation of evidence on record.

7. As such, holding present appeal to be devoid of any merit, the same is hereby dismissed.

January 17, 2025**renu****(DEEPAK GUPTA)****JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No