



107

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

RSA-5808-2018 (O&M)

Date of Decision : 18.08.2025

CHANAN NATAH @ CHANAN SINGH AND ANR Appellants

VERSUS

LABH SINGH Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhishek Das, Advocate for
Mr. Ashish Aggarwal, Advocate for the appellants.

ALKA SARIN, J. (ORAL)

CM-15972-C-2018

1. This is an application for condonation of delay of 23 days in filing the main appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 23 days in filing the main appeal is condoned.

RSA-5808-2018

3. The present appeal has been preferred by the defendant-appellants challenging the judgment and decree dated 23.02.2017 passed by the Trial Court and the judgment and decree dated 09.05.2018 passed by the First Appellate Court.
4. Brief facts relevant to the present *lis* are that the plaintiff-respondent herein filed a suit for possession of plot measuring 0 Kanal 5 Marla (house in a dilapidated condition) bearing Khasra No.273, Khata

Khatuni No.236/1517 as entered in the jamabandi for the year 2004-05 situated at Village Kohali, Tehsil Ajnala, District Amritsar. Prayer for permanent injunction was also made for restraining the defendant-appellants from raising any type of construction or demolishing or changing the nature of the land. It was averred in the plaint that the suit property was originally owned by one Hazara Singh son of Sher Singh. After the death of Hazara Singh the mutation of inheritance of Hazara Singh was sanctioned in the name of the plaintiff-respondent and his sister, namely, Swaran Kaur vide mutation No.6007. It was further averred in the plaint that the suit property was a house in a dilapidated condition but the defendant-appellants had taken forcible possession of some part of the property illegally about two years ago. The defendant-appellants were stated to be trespassers. Hence, the suit.

5. Defendant-appellants filed their joint written statement raising various preliminary objections qua maintainability, *locus standi*, the plaintiff-respondent not having approached the Court with clean hands, etc. On merits it was contended that the property was a vacant plot which was allotted to Hazara Singh by the consolidation department. Said Hazara Singh transferred possession of the suit land to Beer Singh son of Prabhdial Singh son of Rulda Singh for a sum of ₹1,500 (rupees fifteen hundred) on 05.01.1985. It was further the case set up that Beer Singh was the real brother of defendant-appellant No.1 and Beer Singh transferred the possession of the said land to defendant-appellant No.1 on 01.01.1986. Earlier the land was low lying and the defendant-appellants had put earth

and had constructed their residential house on the same by spending huge amount. Further claim was that the defendant-appellants have become the owners of the property by way of adverse possession.

6. Replication was filed. On the basis of the pleadings of the parties, the following issues were framed :

- 1 Whether plaintiff is entitled for relief of possession as prayed for ? OPP
- 2 Whether plaintiff is entitled for relief of permanent injunction as prayed for ? OPP
- 3 Whether the suit of the plaintiff is not maintainable ? OPD
- 4 Whether the plaintiff has no *locus standi* of cause of action to file the present suit ? OPD
- 5 Whether the plaintiff has not approached the Court with clean hands and suppressed the material facts from the Court ? OPD
- 6 Whether the suit of the plaintiff is hopelessly time barred ? OPD
- 7 Whether the suit of the plaintiff is bad for mis-joinder and non-joinder of the necessary parties ? OPD
- 8 Whether defendants are entitled to the adverse possession from the plaintiff ? OPD
- 9 Whether suit has not been properly valued for the purpose of Court fee and jurisdiction ? OPD

10 Relief.

7. The Trial Court vide judgment and decree dated 23.02.2017 decreed the suit. Aggrieved by the same an appeal was preferred by the defendant-appellants which appeal was dismissed by the First Appellate Court vide judgment and decree dated 09.05.2018. Hence, the present regular second appeal by the defendant-appellants.

8. Learned counsel appearing on behalf of the defendant-appellants would contend that both the Courts have erred in decreeing the suit of the plaintiff-respondent. It is urged that the suit property had been purchased by Beer Singh, who was the real brother of defendant-appellant No.1, and that the defendant-appellants have been in possession of the suit land for the last more than 30 years. It is further the contention that there was sufficient evidence on the record that the property was purchased by Beer Singh.

9. Heard counsel for the defendant-appellants and perused the paperbook.

10. In the present case the plaintiff-respondent had led cogent evidence to show that he was the owner of the suit property. The jamabandi for the year 2009-10 (Ex.P1) reveals that Labh Singh and Swaran Kaur were the owners of 5 Marlas of land bearing Khasra No.273. The jamabandi for the year 1989-90 (Ex.P2) showed that Hazara Singh was the original owner of the suit land. Mutation was also entered in favour of Labh Singh and Swaran Kaur as is clear from a perusal of the jamabandi for the year 2004-05 (Ex.P4). Even in the Khasra Girdawari from Sauni 2011 to Hari 2012

(Ex.P5), Labh Singh and Swaran Kaur were shown as owners in possession of the suit property. *Per contra*, the defendant-appellants had produced on record one document Ex.D1 which reflected Hazara Singh being the owner of 5 Marlas of land and that he had sold the same to Beer Singh for a sum of ₹1,500 (rupees fifteen hundred). No Khasra number or Killa number was mentioned in the said document. Moreover, the said document was an unregistered document. Ex.DB produced by the defendant-appellants was the Panchayatnama in which it had been stated that Beer Singh had purchased the property from Hazara Singh for a consideration of ₹1,500 (rupees fifteen hundred) and he gave the property to his brother – defendant-appellant No.1. This document also cannot be treated as a document of transfer or sale. There is not an iota of evidence on the record produced by the defendant-appellants which would even remotely suggest that the property had been purchased by Beer Singh from Hazara Singh. In the absence of any cogent evidence, no fault can be found with the impugned judgments and decrees. No other argument has been urged.

11. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises for determination in the present case. The appeal being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

18.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No