



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

114

RSA-5-2015 (O&amp;M)

Date of decision: 01.04.2025

SUNITA

..Appellant

Versus

KAMLESH KAUR AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhandeep Singh, Advocate  
for the appellant.

Mr. S.S. Mor, Advocate  
for respondents.

**ANIL KSHETARPAL, J(Oral)**

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing her suit for grant of decree of permanent injunction.

2. In substance, the plaintiff claims to have purchased plot No.158 measuring East to West 34 feet 6 inches and North to South 60 feet, total area 231 square yards i.e. 8 marla vide sale deed No.10918 dated 21.03.2007, bounded as under:-

*“East: Plot No.157;  
West: Gali 20 feet wide;  
North: Gali 20 feet wide;  
South: Plot No.135”*

3. The possession of the plot was given to the plaintiff on the date of sale and she claimed to be in exclusive possession of the same. The defendant contested the suit while claiming that she has purchased 333 square yard plot vide sale deed dated 10.07.2006. Though, she purchased plot No.213 and 214, however, she was delivered possession of plot No.143



and 144, which was authenticated by the vendor on 20.04.2012 by executing an affidavit.

4. The trial Court has culled out the following issues:-

- “1. Whether plaintiff is entitled to a decree for permanent injunction, as prayed for? OPP*
- 2. Whether the plaintiff has no locus standi to file and maintain the present suit? OPD*
- 3. Whether the plaintiff has concealed the true and material facts from this Court? OPD*
- 4. Whether the plaintiff is estopped by her own act and conduct from filing the present suit? OPD*
- 5. Relief.”*

5. The suit was dismissed by the trial Court on the ground that the parties are co-sharers, which in appeal has been affirmed by the First Appellate Court.

6. Once, a colony has been carved out, the concept of co-sharer with reference to a khewat number loses its significance. The plaintiff has purchased a specific plot, whereas, the defendant has also purchased specific plot. She claims that she was delivered possession of a plot different than what was purchased by her. Hence, the crucial issues, which require adjudication were neither framed by the Court nor adjudicated.

7. The Court should have framed the following issues:-

- i. Whether the plaintiff is owner in possession of the suit property by virtue of sale deed dated 21.03.2007? OPP
- ii. Whether defendant is owner of plot No.143 and 144 by virtue of sale deed dated 10.07.2006.

8. Since, proper issues were not framed, hence, the parties were deprived of an opportunity to lead proper evidence. Once, the party comes to the Civil Court by filing a civil suit, the Court is expected to go deep into the issues in order to decide the case. The decisions of the suits in a superficial



manner is anti-thesis of justice. The First Appellate Court has also sidestepped the issue.

9. Consequently, left with no alternative, the judgments passed by both the Courts below are set aside while remitting the matter back to the trial Court for culling out the proper issues and granting opportunity to the parties to lead further evidence. Thereafter, the matter will be decided by the Court in accordance with law.

10. Disposed of accordingly.

11. The parties through their learned counsel are directed to appear before the trial Court on 30.04.2025.

12. However, the trial Court is requested to decide the case expeditiously.

13. Interim order shall continue to operate during the pendency of the suit.

14. All the pending miscellaneous applications, if any, are also disposed of.

**April 01<sup>st</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*