



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

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**RSA-2056-2022 (O&M)****Date of Decision : 04.03.2025**

SANTOKH SINGH AND ORS

.... Appellants

VERSUS

SUKHDEV SINGH AND ORS

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vikas Singh, Advocate for the appellants.

**ALKA SARIN, J. (ORAL)**

1. The present regular second appeal has been filed by defendants No.1 to 6-appellants challenging the concurrent findings returned by the Trial Court vide judgment and decree dated 30.09.2016 and by the First Appellate Court vide judgment and decree dated 25.10.2021.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondents No.1 to 3 herein filed a suit for permanent injunction averring therein that they are owners in possession of the suit property and that the defendants are total strangers to the property in dispute, however, they tried to dispossess the plaintiff-respondents No.1 to 3. On 15.02.2011 the defendants came at the spot in order to dispossess the plaintiff-respondents No.1 to 3 but due to timely intervention of the respectables the plaintiff-respondents No.1 to 3 were able to foil the attempt of the defendants. Hence, the civil suit.

3. Defendants No.1 to 6-appellants and the other defendants (respondents No.4 and 5 herein) filed written statement raising various preliminary objections regarding maintainability and that the plaintiff-respondents No.1 to 3 had neither been in possession of the suit property nor they have ever cultivated the same. It was further pleaded that Saudagar Singh son of Sunder Singh and Darshan Singh son of Shivdev Singh were wrongly entered as owners of the suit property and defendant-appellant No.1 – Santokh Singh – was in possession of the suit property and his name was entered in the jamabandi and Khasra Girdawari in the column of possession. It was further the stand taken that the suit property was never cultivated by Saudagar Singh and they were also not in possession of the suit land and that it had not been stated in the plaint how the possession was delivered to them. It was further the case set up that defendant-appellant No.1 was in possession of the suit property earlier and even now the suit property is in his possession. It was the further stand taken in the written statement that previously the land was owned by the Central Government. Defendant-appellant No.1 had purchased the land in a restricted auction from the Central Government in the year 1966 for a consideration of ₹31,350 and obtained possession of the same and thereafter Darshan Singh son of Shivdev Singh and Saudagar Singh son of Sunder Singh in connivance with the revenue official prepared a false document of ownership. After the death of Saudagar Singh, Karandeep Singh son of Jaswinder Singh through his father Jaswinder Singh and Darshan Singh son of Shivdev Singh had filed a suit for ejectment of the defendants as tenants over the suit property and

other land under Section 8 of PEPSU Tenancy and Lands Act, 1955 and they had mentioned in the ejectment petition that Santokh Singh (defendant-appellant No.1) was a tenant under Darshan Singh and Karandeep Singh and is cultivating the land as a tenant. They further stated that in the petition that there was a relationship of landlord-tenant. Further the history of the ejectment petition was also narrated in the written statement. It was further the case that during the pendency of the litigation the land had been purchased by plaintiff-respondents No.1 to 3 and they were not in possession.

4. Replication was filed reiterating the contents made in the plaint and denying those made in the written statement.

5. On the basis of the pleadings of the parties the following issues were framed :

1. Whether the plaintiffs are in possession of the disputed property and are entitled to permanent injunction, as prayed for ? OPP

2. Whether the suit is not maintainable in the present form ? OPD

3. Whether the plaintiffs have no cause of action to file the present suit ? OPD

4. Relief.

6. The Trial Court decreed the suit vide judgment and decree dated 30.09.2016. Aggrieved by the same an appeal was preferred by the defendants which appeal was dismissed by the First Appellate Court vide

judgment and decree dated 25.10.2021. Hence, the present regular second appeal by defendants No.1 to 6-appellants.

7. Learned counsel for defendants No.1 to 6-appellants would contend that defendant-appellant No.1 – Santokh Singh – had purchased the land in a restricted auction from the Central Government in the year 1966 for a consideration of ₹31,350 and had obtained possession. It is further the contention that plaintiff-respondents No.1 to 3 failed to explain as to how they came in possession of the suit property. Learned counsel would further contend that Darshan Singh and Saudagar Singh in connivance with the revenue officials prepared false documents of ownership and filed the petition for ejectment of defendant-appellant No.1 – Santokh Singh – as a tenant over the suit property. It is yet further the contention that all orders showed defendant-appellant No.1 – Santokh Singh – to being in possession of the suit property.

8. Heard.

9. In the present case both the Courts concurrently found that there was no record produced in support of their claim by defendants No.1 to 6-appellants that defendant-appellant No.1 – Santokh Singh – had purchased the land in a restricted auction in 1966 and then obtained possession of the same. It was further held that plaintiff-respondents No.1 and 3, namely, Sukhdev Singh and Malkit Singh were found to be in possession of the suit land along with Darshan Singh and Shivdev Singh as per the Jamabandi (Ex.P1) for the year 2006-07 and Khasra Girdawari (Ex.P2) for the period 2007 to 2010. Defendants No.1 to 6-appellants failed to lead any evidence to

the contrary to show that they were in possession of the suit property. Even today learned counsel for defendants No.1 to 6-appellants is unable to refer to any documentary evidence on the record to show that defendants No.1 to 6-appellants were in possession of the suit property and not the plaintiff-respondents No.1 to 3. In the face of the findings recorded by both the fact finding Courts, there is no scope for any interference by this Court. No credible and reliable evidence has been highlighted by the counsel for the defendants No.1 to 6-appellants for this Court to take a contrary view from the one taken by both the Courts. In view thereof, no fault can be found with the findings returned by both the Courts concerned. No other point was argued.

10. 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 merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

**04.03.2025**

*Aman Jain*

**(ALKA SARIN)**

**JUDGE**

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