

S. No.131

2025:PHHC:031384



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

\*\*\*\*

**RSA No.215 of 2025  
Date of Decision:05.03.2025**

**Kuldeep Singh**

**Vs.**

**Darshan Singh and others**

**.....Appellant**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Sumeet Puri, Advocate for the appellant.  
(Through Video Conferencing).

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**DEEPAK GUPTA, J. (Oral)**

Appellant of the case is before this Court in the present Regular Second Appeal against the concurrent findings of the Courts below. Plaintiff filed the suit seeking a decree of permanent injunction to restrain the defendants from interfering in his possession over the property in dispute. The claim regarding title was put forth by the plaintiff on the basis of Will dated 17.07.2006 executed by his father Balbir Singh in his favour and that Darshan Singh in equal shares. It was further claimed that he (plaintiff) was owner in possession of the half portion towards the southern side. Suit was resisted by the defendants by denying the plaintiff to be either owner or in possession of the suit property. According to them, the suit property was earlier owned by Jangir Kaur, widow of Fauja Singh, who had alienated the same to him (defendant No.1) in the year 1975 and then he had raised construction of the residential house thereon. He denied that Balbir Singh, the father of the plaintiff was ever owner of the suit property. As such, the Will dated 17.07.2006 did not convey any title.

2. Necessary issues were framed. The evidence produced by the parties was taken on record. The trial Court found that executant of the Will relied by the plaintiff, namely, Balbir Singh was still alive and he had denied to have executed any Will. Not only this, said Balbir Singh when examined as PW4 admitted that it is Jangir Kaur who was the owner of the property in dispute. In view of this factual position, the suit was dismissed on 04.09.2018.



3. Appeal filed by the plaintiff was dismissed on 27.11.2024 by upholding the findings of the trial Court. Appellate Court also observed that there was nothing on record to show as to how Balbir Singh had become owner of the suit property as was claimed by the plaintiff and rather as per the evidence, it is Jangir Kaur who was the owner of the suit property, which fact had been admitted not only by the plaintiff himself but also by PW4- Balbir Singh in his cross-examination. There was no evidence that Jangir Kaur had ever transferred the suit property to Balbir Singh.

4. Afore-said concurrent findings of the fact recorded by the Courts below have been assailed in this appeal but learned counsel for the appellant has failed to convince this Court regarding any fault in the findings returned by the Courts below. Learned counsel has failed to point out any document showing the title of Balbir Singh in the suit property who himself admitted Jangir Kaur to be the owner. As such, this Court does not find any scope to interfere in the well-reasoned concurrent findings of facts recorded by the Courts below which are based on proper appreciation of evidence.

5. No merits.

6. Dismissed.

March 05, 2025

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( DEEPAK GUPTA )

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No