



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

**RSA-1032-1999 (O&M)**

**Reserved on 26.09.2025  
Date of decision: 01.10.2025**

**Neter Pal**

**...Appellant**

Versus

**Manohar Lal**

**...Respondent**

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

Argued by: Mr. Adarsh Jain, Advocate for the appellant.

Mr. Arihant Jain, Advocate and  
Mr. Kanish Jindal, Advocate  
for respondents No.1 to 3.

\*\*\*\*

**DEEPAK GUPTA, J.**

The plaintiff is before this Court in the present Regular Second Appeal, challenging the concurrent findings of the Courts below, whereby his suit for permanent injunction regarding the disputed property was dismissed by the Trial Court on 03.12.1996, and the appeal thereof was dismissed by the First Appellate Court on 28.11.1998.

2. For convenience, parties are referred to as per their status before the Trial Court.

3. The plaintiff's case is that he has been a statutory tenant since 1972 over land comprised in Khasra No. 502 min, measuring 10 Marla, situated within the abadi deh of Hassanpur, Tehsil Palwal, District Faridabad, as shown in site plan (Ex.P1) at an annual rent of ₹4. He contended that defendants have no concern with this plot and that defendant No.1 threatened to dispossess him, necessitating the present suit.



4. Defendants No.1 to 3 contested the suit, asserting ownership of land comprised in Khasra No.502/2 min, measuring 2 Kanal 4 Marla, on the strength of Mutation No.3109 dated 12.04.1990. They traced their title from the allotment of old Khasra No.1193 min to Dayal Chand, who sold it in parts, culminating in their acquisition of the entire share. They further pointed out that during consolidation proceedings, possession was found with them upon spot inspection on 25.01.1990, leading to sanction of the above mutation in their favour. According to them, the plaintiff never had possession of this land.

5. The Trial Court, after framing issues and considering evidence, held that the plaintiff failed to prove that the plot shown in the site plan (Ex.P-1) was the same as Khasra No.502 min, as claimed by plaintiff. It was found that Khasra No.502 min, measuring 10 Marla, shown in plaintiff's possession in revenue record, is distinct from Khasra No.502/2 measuring 2 Kanal 4 Marla, as owned by defendants. As the plaintiff was unable to establish the identity of the suit property, his claim for injunction was rejected. The First Appellate Court upheld this view.

6. In the present appeal, Ld. counsel for the appellant-plaintiff argues that the revenue record clearly establishes his possession over Khasra No.502 min and that the Courts below failed to appreciate this evidence. Conversely, Ld. counsel for the respondents contends that the concurrent findings of fact by courts below call for no interference.

7. Having examined the record, this Court finds no merit in the appeal.

8. The First Appellate Court, while re-appreciating the evidence, dealt extensively with the question of possession and identity of the property. It noticed that though the jamabandis (Ex.P-2 and Ex.P-4) recorded the plaintiff as *gair maurusi* over Khasra No.502 min measuring 10 marlas, the



decisive document was Ex.D-1 jamabandi for the year 1969-70. That record clearly reflected that old Khasra No.1193 min was allotted to Dayal Chand, who thereafter transferred it to Thakur Dass, Bodh Raj, Mool Chand, Rijhu Ram and Mohan Lal, and that through subsequent transactions and consolidation proceedings, defendants No.1 to 3 became the owners of land measuring 2 kanals 4 marlas, comprised in Khasra No.502/2. On spot inspection, this land was specifically allotted to them by the Consolidation Officer vide order dated 22.02.1990 (Ex.D-15), and mutation No.3109 dated 12.04.1990 was sanctioned in their favour.

9. The Appellate Court further found that the land in dispute as per site plan Ex.P-1 could not be connected with Khasra No.502 min (10 marlas), but was in fact distinct from it. It also noticed that PW-4 Tek Chand, a witness of the plaintiff himself, admitted in cross-examination that the disputed land bore Khasra No.502/2 measuring 2 kanals 4 marlas with old Khasra No.1193, thereby supporting the stand of the defendants. The plaintiff produced neither rent note nor receipt to substantiate his plea of tenancy at ₹4 per annum. The testimony of DW-1 further corroborated the defendants' case regarding ownership and possession. Accordingly, the Appellate Court held that the plaintiff was never in possession of Khasra No.502/2, and that his recorded possession was only over Khasra No.502 min measuring 10 marlas, which was an altogether distinct parcel of land.

10. These findings are pure findings of fact, resting on a detailed appraisal of oral and documentary evidence. The plaintiff has failed to establish that the site plan (Ex.P-1) depicts the land comprised in Khasra No.502 min measuring 10 marlas. He neither sought demarcation nor led cogent evidence to identify the property in his possession. On the contrary, the evidence firmly establishes that the suit property belongs to and is in the possession of defendants No.1 to 3, comprised in Khasra No.502/2



measuring 2 kanals 4 marlas. The Courts below have rightly declined the relief of permanent injunction.

11. This Court finds no perversity or misreading of record so as to justify interference. The Supreme Court in ***Narayanan Rajendran v. Lakshmi Sorojini*** (2009) 5 SCC 264 and in ***Gurdev Kaur v. Kaki*** (2007) 1 SCC 546 has categorically held that the High Court cannot interfere with concurrent findings of fact in second appeal, even if it is of the view that another view is possible. Interference is permissible only where findings are perverse or based on no evidence, which is not the case here.

12. Consequently, the appeal is held to be devoid of any merit, and stands dismissed. No order as to costs.

**01.10.2025**

*Yogesh*

**(DEEPAK GUPTA)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No