

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****RSA-3515-2019 (O&M)****Reserved on : 26.09.2025****Pronounced on : 28.10.2025**

Satish Kumar and Others

....Appellants

VERSUS

Kashmir Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Swarn Tiwana, Advocate for the appellants.

ALKA SARIN, J.**CM-9547-C-2019**

1. For the reasons mentioned therein, the application seeking condonation of delay of 594 days in refiling the appeal is allowed. The delay of 594 days in refiling the appeal is condoned.

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2. The present regular second appeal has been preferred by the defendant-appellants against the judgements and decrees dated 05.04.2014 and 11.01.2017 passed by the Trial Court and the First Appellate Court decreeing the suit of the plaintiff-respondents.

3. The suit for declaration was filed by the plaintiff-respondents averring that Jagat Singh (predecessor-in-interest of the defendant-appellants) was allotted a plot measuring 14 Kanal 10 Marla and a plot measuring 100 feet x 45 feet in village Gillan Khera, Tehsil and District Fatehabad being a Bhakhra Oustee. On 21.12.1981 Jagat Singh sold the suit

property to the plaintiff-respondents vide a registered sale deed and possession was delivered to the plaintiff-respondents and since then they were in possession as owners. The plaintiff-respondents also purchased another piece of land measuring 14 Kanal 10 Marla and a plot from one Parkash Singh vide sale deed 21.12.1981. One Shambhu Ram also sold his plot measuring 500 sq. yards to the plaintiff-respondent No.1 and possession of the aforesaid properties was delivered to the plaintiff-respondents. Thereafter, the plaintiff-respondents had constructed a boundary wall and also constructed their house over the plot purchased from Shambhu Ram. Later the plaintiff-respondents learned that the conveyance deed on behalf of the State Government has not been executed in favour of Jagat Singh regarding the suit property and Jagat Singh assured them that he would get the mutation entered and sanctioned in their favour whenever the formal conveyance deed was executed in his favour. However, the State Government had executed the formal conveyance deed no.4730 dated 15.10.2010 in respect of plot no.79 measuring 100 feet x 45 feet comprised in Khasra No.209 in favour of the defendant-appellants and their mother Ram Rakhi widow of Jagat Singh and mutation no.954 had also been entered and sanctioned in this regard on 14.01.2011. Ram Rakhi had expired. The plaintiff-respondents requested the defendant-appellants several times to admit their claim over the plot in question and get their names incorporated in the revenue record as owners in possession but the intention of the defendant-appellants had become dishonest due to rise in prices and they refused to do the needful. Hence, the suit for declaration that the plaintiff-respondents are the owners in possession of plot no.79 as per registered sale deed no.2757 dated 21.12.1981 executed by Jagat Singh. In their written

statement the defendant-appellants raised preliminary objections regarding maintainability, locus standi, cause of action, limitation, etc. It was submitted that Jagat Singh had sold the agricultural land measuring 14 Kanal 18 Marla to the plaintiff-respondents vide dale deed dated 21.12.1981 but had never sold plot no.209 nor he expressed his willingness to sell the same to the plaintiff-respondents and that the plaintiff-respondents had no concern with the plot no.209. Replication was filed by the plaintiff-respondents denying the contents of the written statement and reiterating those of the plaintiff.

4. On the basis of the pleadings of the parties, the following issues were framed by the Trial Court :

1. Whether the plaintiffs are entitled to decree for declaration that they are owners in possession of suit property and the revenue record is likely to be rectified in their favour ? OPP
2. Whether the plaintiffs are entitled to a decree for permanent injunction restraining the defendants from interfering in the possession of plaintiffs over suit property ? OPP
3. Whether the plaintiffs have no locus standi and have no cause of action to file the present suit ? OPD
4. Whether the suit filed by the plaintiffs is not maintainable in the present form ? OPD
5. Whether the suit is not within limitation and time barred ? OPD
6. Relief.

5. Vide judgement and decree dated 05.04.2014 the Trial Court decreed the suit of the plaintiff-respondents holding that Jagat Singh had sold the plot alongwith the agricultural land to the plaintiff-respondents. The defendant-appellants filed an appeal against the judgement and decree of the Trial Court. However, the said appeal of the defendant-appellants was also dismissed by the First Appellate Court vide judgement and decree dated 11.01.2017. Hence, the present regular second appeal by the defendant-appellants.

6. Learned counsel for the defendant-appellants has contended that both the Courts have erred in decreeing the suit of the plaintiff-respondents. It is urged that Jagat Singh had never sold plot no.79 to the plaintiff-respondents and had sold only the agricultural land measuring 14 Kanal 18 Marlas. It is also contended that the plaintiff-respondents were not in possession of the plot and without seeking possession the suit for declaration could not have been decreed. It is submitted that the plaintiff-respondents have encroached on the suit property.

7. Heard counsel for the defendant-appellants and perused the record.

8. In the present case the suit of the plaintiff-respondents has been decreed by both the Courts. It has been found by the Courts that Jagat Singh had sold the plot to the plaintiff-respondents vide sale deed dated 21.12.1981 (Ex.P1). The signatures of Jagat Singh on the sale deed (Ex.P1) were not denied by the defendant-appellants and Jagat Singh in his life-time never challenged the validity of sale deed (Ex.P1) which is a registered document. A bare perusal of the sale deed (Ex.P1) shows that it pertains to land measuring 14 Kanals 18 Marlas and a plot measuring 100 ft. x 45 ft. The

learned counsel for the defendant-appellants has also not been able to demonstrate as to how the suit was not maintainable or that the plaintiff-respondents were not in possession of the plot.

9. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. In the face of the findings recorded by both the fact finding Courts that the suit property was sold to the plaintiff-respondents by Jagat Singh, there is no scope for any interference by this Court. No cogent and reliable evidence has been highlighted by the counsel for the defendant-appellants for this Court to take a contrary view from the one taken by both the Courts. No other point was argued.

10. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

28.10.2025
jk

(ALKA SARIN)
JUDGE

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