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

RSA-870-2025 (O&M)

Date of Decision : 10.11.2025

LAKHBIR SINGH

.... Appellant

VERSUS

STATE OF PUNJAB AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Soi, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the plaintiff-appellant challenging the judgments and decrees dated 14.11.2018 and 17.12.2024 passed by the Trial Court and the First Appellate Court, respectively.

2. Briefly, the facts relevant to the present *lis* are that the plaintiff-appellant filed a suit averring therein that he was owner and in possession of 141/419 share in the suit property as fully described in the plaint. It was averred that the plaintiff-appellant had purchased the suit property vide registered sale deed dated 28.05.1993 executed by Smt. Renu @ Renu Batta wife of Narinder Kumar. Mutation was also duly entered. It was further averred that the plaintiff-appellant purchased the above-said property from Smt. Renu @ Renu Batta wife of Narinder Kumar and that the sale deed was legal, valid and had not been set aside by any Court of law. It was further averred that all the entries qua ownership and mutation were incorporated in column Nos.5 and 12 of jamabandi. The injunction which was prayed for was

that the defendant-respondents be restrained from causing any interference and from dispossessing the plaintiff-appellant from the suit property forcibly.

3. The defendant-respondents appeared and filed their written statement averring therein that Smt. Renu @ Renu Batta could not execute the sale deed as she was not the owner of the suit property. Mutation under the said sale deed vide No.11870/Nabha was rejected by AC 2nd Grade Nabha on 30.12.1993 and that no appeal was filed. Yet again fresh mutation No.18950 was got fraudulently entered but the same was also rejected by AC 2nd Grade Nabha. Again, third time, the plaintiff-appellant got incorporated a fresh mutation being No.19335 and the same was again rejected on 14.06.2001 and no appeal was filed. It was further averred that on *Karguzari Badar* No.11 dated 07.04.2000, the plaintiff-appellant and his companion, namely, Darshan Singh got a false report from the then Patwari Halqa Nabha to show their possession but the report being false, the revenue officer ignored the report on *Fard Badar* No.17 dated 10.01.2001. The plaintiff-appellant, Darshan Singh and another companion, namely, Jagjitpal Singh got another Rapat from Patwari Halqa, Nabha vide which the name of Lakhbir Singh (the plaintiff-appellant herein) was added. The false entry was based on a conveyance deed No.38 of September 2003 and got a mutation No.22394 sanctioned on 29.02.2004. This mutation was also rejected by Collector, Sub-Division Nabha-cum-SDM Nabha vide order dated 10.01.2008. The conveyance deed was also cancelled vide order dated 06.08.2008 by Sales Commissioner-cum-Sub-Divisional Magistrate Nabha. The plaintiff-appellant filed civil suit No.527 of 30.11.1993 for declaration and permanent injunction in respect of

land measuring 2 Kanals 19 Marlas including the suit property which was dismissed on 08.02.2002 and its appeal was also dismissed on 29.09.2003. Revision was also dismissed on 22.08.2005. It was further averred that the plaintiff-appellant had been out of possession and that he had not approached the Court with clean hands. The plaintiff-appellant had previously also filed a civil suit No.37 of 12.02.2009 titled “Lakhbir Singh Versus State of Punjab etc.” for declaration which was dismissed on 16.03.2012.

4. Replication was filed reiterating the averments made in the plaint and controverting those of the written statement.

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

1. Whether plaintiff is in actual and physical possession of the suit land ? OPP
2. If issue No.1 is proved, plaintiff is entitled to injunction as prayed for ? OPP
3. Whether plaintiff has not come to the court with clean hands if so its effect ? OPD
4. Whether suit of plaintiff is barred u/s 11 CPC ? OPD
5. Whether suit is bad for mis-joinder and non-joinder of necessary parties ? OPD
6. Whether no notice under section 80 CPC was served upon defendants ? OPD
7. Relief.

6. The Trial Court dismissed the suit vide judgment and decree dated 14.11.2018. Aggrieved by the same an appeal was preferred by the plaintiff-appellant before the First Appellate Court which appeal was also dismissed vide judgment and decree dated 17.12.2024. Hence, the present regular second appeal by the plaintiff-appellant.

7. The learned counsel for the plaintiff-appellant would contend that the plaintiff-appellant had purchased the suit property from one Smt. Renu @ Renu Batta wife of Narinder Kumar and that a mutation was also entered in his favour. It is further the contention of the learned counsel for the plaintiff-appellant that there was also a report of the Tehsildar that the earlier owners had relinquished their right in their share and that the name of the plaintiff-appellant was recorded in the revenue record.

8. Heard.

9. In the present case it was concurrently held by both the Courts that the vendor of the plaintiff-appellant, namely, Smt. Renu @ Renu Batta wife of Narinder Kumar was never the owner of the suit property as it was also admitted by the plaintiff-appellant in his cross-examination. The mutation, which was entered in the name of the plaintiff-appellant, stood set aside. Even otherwise, in his cross-examination, the plaintiff-appellant feigned ignorance that mutation No.11870 based on the sale deed dated 28.05.1993 was rejected by AC 2nd Grade Nabha. He also feigned ignorance of rejection of mutation Nos.18950 and 19335. Though there was no mention of the earlier suit in the plaint, however, in his cross examination, the plaintiff-appellant admitted having filed civil suit No.527 dated 30.11.1993 for

declaration and permanent injunction in respect of the suit property. He denied that the appeal was dismissed on 29.09.2003 and the revision was also dismissed on 22.08.2005. He further admitted that the earlier suit titled ‘Lakhbir Singh Versus State of Punjab etc.’ was dismissed on 16.03.2012.

10. Learned counsel for the plaintiff-appellant, on being repeatedly asked by the Court to show any document on the record qua him being in possession of the suit property, has not been able to point out a single documentary evidence on the record to even remotely suggest that the plaintiff-appellant was in possession of the suit property. In view thereof, no fault can be found with the impugned judgments and decrees passed by both the Courts concerned.

11. No question of law, much less any substantial question of law, arises in the present regular second appeal. This Court does not find any ground to interfere with the concurrent findings of facts recorded by both the Courts concerned. In view thereof, the present regular second appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.11.2025
Aman Jain

(ALKA SARIN)
JUDGE

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