



126

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

RSA-1603-2021 (O&M)

Reserved on : 22.09.2025

Pronounced on : 28.10.2025

Mangta Singh & Ors.

....Appellants

VERSUS

Ishar Singh & Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Aggarwal, Advocate for the appellants.

ALKA SARIN, J.

1. The present regular second appeal has been preferred by the plaintiff-appellants against the judgements and decrees dated 10.02.2016 and 26.11.2019 passed by the Trial Court and the First Appellate Court dismissing the suit for declaration and permanent injunction.

2. The suit was filed by the plaintiff-appellants averring that Ishar Singh son of Fauja Singh, Mehma Singh son of Fauja Singh and Aas Kaur were owners of the land measuring 19 kanal 5 marlas situated in village Padhri Kalan, Tehsil and District Tarn Taran and vide registered sale deed dated 12.12.1979 they sold it to Kashmir Singh alias Shamir Singh, Mukhtar Singh, Lakhmir Singh and Kundan Singh for a consideration of ₹32,000/- and also put the vendees in possession. Kashmir Singh alias Shamir Singh died and had executed a registered Will in favour of Mangta Singh and Chanan Singh and they succeeded to his estate and are in possession of the suit land after the death of their father regarding which mutation is

sanctioned in their favour. Another vendee Lakhmir Singh also died and had executed a registered Will in favour of Kewal Singh and Ranjit Singh and they succeeded to his estate and are in possession of the suit land after the death of their father regarding which mutation is sanctioned in their favour. It was further averred that after purchasing the suit land measuring 19 kanals 05 marlas the plaintiff-appellants sold land measuring 06 kanals 10 marlas. Though the plaintiff-appellants were in possession of the suit land measuring 12 kanals 15 marlas but the defendant-respondents tried to alienate the same and also tried to take forcible possession of the same. Hence, the suit. In the written statement the defendant-respondents raised preliminary objections and took the plea that they are owners of the land mentioned in the plaint measuring 19 kanal 05 marlas and that the khasra numbers of the plaint are from the joint khata of land measuring 245 kanal 05 marlas in which the defendant-respondents are also co-owners and co-sharers to the extent of 08 kanals 18 marlas. Replication was filed denying the contents of the written statement and reiterating those of the plaint.

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

1. Whether the plaintiff is entitled to relief of declaration as prayed in the head note of the plaint ?
OPP

2. Whether the plaintiff is entitled to relief of permanent injunction as prayed in the head note of the plaint ? OPP

3. Whether the present suit is not maintainable ? OPD

4. Whether the suit is not properly valued for the purposes of Court fees and jurisdiction ? OPD

5. Whether the suit is bad for non joinder of necessary parties ? OPD

6. Relief.

4. Vide judgement and decree dated 10.02.2016 the Trial Court dismissed the suit of the plaintiff-appellants. The plaintiff-appellants filed an appeal against the judgement and decree of the Trial Court. However, the said appeal of the plaintiff-appellants was also dismissed by the First Appellate Court vide judgement and decree dated 26.11.2019. Hence, the present regular second appeal by the plaintiff-appellants.

5. Learned counsel for the plaintiff-appellants has contended that both the Courts have erred in dismissing the suit of the plaintiff-appellants. It is urged that the suit property was purchased by the plaintiff-appellants vide a registered sale deed and they were also in possession and therefore their suit deserved to be decreed.

6. Heard counsel for the plaintiff-appellants and perused the paper-book.

7. In the present case the suit of the plaintiff-appellants has been dismissed by both the Courts. It has been found by the Courts that the revenue record showed that the plaintiff-appellants had also purchased some share of one Gulab Kaur along with the other vendors i.e. Ishar Singh, Mehma Singh and Aas Kaur. The said Gulab Kaur was not impleaded as a party. There is no explanation as to why another co-owner was not impleaded in the suit and the sale by her was not mentioned. In the absence

of Gulab Kaur the plaintiff-appellants cannot be granted the declaration and permanent injunction prayed for in the suit.

8. 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, there is no scope for any interference by this Court. No cogent and reliable evidence has been highlighted by the counsel for the plaintiff-appellants for this Court to take a contrary view from the one taken by both the Courts. No other point was argued.

9. 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

Yogesh Sharma

(ALKA SARIN)**JUDGE**

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