



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

107

RSA-1071-2022

Date of decision :07.08.2025

MAKHAN SINGH

... APPELLANT

VERSUS

AJAIB SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by plaintiff-appellant, who is aggrieved by impugned judgments and decree dated 06.07.2018 and 18.02.2020 passed by the Court of Civil Judge (Junior Division), Ajnala and Court of Additional District Judge, Amritsar respectively.

2. Plaintiff is aggrieved by dismissal of his suit for possession of land regarding 02 kanals 10 marlas bearing Khasra No. 29/14 situated at village Dalla Rajputan, Tehsil Ajnala, District Amritsar. It is a case of plaintiff-appellant that the said land belongs to Punjab Government Rehabilitation Department, however, plaintiff-appellant has been in possession of the same for the last 50 years and has spent huge amount to improve the land. However, one year ago, defendants having no right, title or interest in suit land being anti-social elements forcibly took possession of the suit land from the plaintiff-appellant.

3. Defendants on the other side claimed that they are in possession of suit property for the last 50 years, though, they also admitted that land is owned by Punjab Government Rehabilitation Department. Both the Courts below after considering evidence have rejected the claim of plaintiff-appellant and dismissed the suit of the



plaintiff-appellant.

4. Admittedly, neither plaintiff-appellant nor defendants are owners of the suit property and it vests with the Punjab Government Rehabilitation Department. It is also not the case of plaintiff-appellant that he is either a licensee or a tenant or has any authority to hold possession of land through its true owner. Apart from oral evidence of witnesses regarding possession of plaintiff-appellant, no material is available to prove his long possession. Plaintiff-appellant has also relied upon revenue records Ex. P1 to Ex. P8 i.e. copies of jamabandies and Khasra girdawaries showing his possession. However, learned Trial Court concluded that since plaintiff-appellant has admitted construction over the suit land having been raised by defendants, therefore, the entries in Khasra girdawaries regarding possession of plaintiff-appellant cannot be relied upon and the same has been rejected. Plaintiff-appellant has miserably failed to prove his long possession over the suit land. I do not find any reason to interfere with conclusion drawn by learned Court of first instance as well as First Appellate Court.

5. Moreover, plaintiff-appellant is seeking relief of possession without impleading true owner as party to the suit, therefore, he is not entitled to any relief of possession in absence of true owner, especially when he is not claiming the same through true owner. True owner was necessary party. It is made clear that dismissal of present appeal shall not give any right in favour of defendants against the true owner as true owner was not party before this Court and this Court can not regularize the possession of defendants against the true owner. No case for interference is made out.

6. Accordingly, present appeal is dismissed.

07.08.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No