



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

RSA No. 1055 of 2020 (O&M)

Date of Decision: 18.08.2025

Naranjan Singh

..... Appellant

Versus

Balwant Singh and another.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Anil Shukla, Advocate
for the appellant-plaintiff.

HARKESH MANUJA, J.

By way of present appeal, challenge has been laid to the judgment and decree dated 30.01.2019 passed by the Court of Additional District Judge, Rupnagar (**hereinafter to be referred as “First Appellate Court”**), whereby an appeal filed against the judgment and decree dated 25.08.2017 passed by the Court of Additional Civil Judge (Senior Division), Rupnagar (**hereinafter to be referred as “trial Court”**), dismissing the suit for possession, instituted at the instance of appellant-plaintiff, was dismissed; thereby affirming the judgment and decree passed by the trial Court.

[2] Briefly stating, the appellant-plaintiff filed a suit for declaration to the effect that he (Naranjan Singh) and respondent No. 1-defendant No.1 (Balwant Singh) happen to be sons of Harjala Singh son of Bakhtaur Singh @ Bakhtawar Singh whereas respondent No. 2-defendant

No.2 (Pargat Singh) is son of Bhag Singh. It was pleaded that the appellant-plaintiff was owner and in possession upto his share over the suit land and further that the sale deed No. 977, dated 24.09.2008 executed by Harjala Singh son of Bakhtaur Singh @ Bakhtawar Singh in favour of respondent No. 2-defendant No. 2 (Pargat Singh son of Bhag Singh) regarding the land measuring 3K-0M comprised in khewat / khata No. 107/113, khasra No. 31//19 (7-6), 20/1 (4-4), 27 (0-14), situated in Village Rolu Majra, HB No. 163, Tehsil Chamkaur Sahib, District Ropar and the transfer deed bearing No. 978, dated 24.09.2008 executed by Harjala Singh in favour of respondent No. 1-defendant No. 1 (Balwant Singh son of Harjala Singh) regarding the land measuring 11K-6M, comprised in khata No. 107/113, khasra No. 31//7 (8-2), 9/2 (5-11), 8 (8-0), 12 (8-0), 13 (8-0), khasra No. 31//19 (7-6), 20/1 (4-4), 27 (0-14), khasra No. 31/11/3 (0-16), 14 (5-17), 16//25/8 (0-4), situated in the area of Village Rolu Majra, HB No. 163, Tehsil Chamkaur Sahib, District Ropar, was having no effect on the legal rights of the appellant-plaintiff as the suit land was Joint Hindu Family and coparcenary property. It was further pleaded that Harjala Singh received this property from his father Bakhtaur Singh @ Bakhtawar Singh and he being of more than 87 years, lost his memory and was not able to understand his bad and good; he was not conscious to understand what was happening with him. It was also pleaded that the respondent No. 1-defendant No.1 just to deprive the appellant-plaintiff, got executed the sale deed No. 977 on 24.09.2008 and transfer deed No. 978 on 24.09.2008 from Harajala Singh in his favour by taking the benefit of old age of Harajala Singh, who had lost his entire memory and was not

competent to execute the sale deed or any other document and thus, the said sale deed was without consideration against the law, without any legal necessity, null and void, sham transaction, inoperative, ineffective, having no effect on the legal rights of the plaintiff and proforma defendants. It was further pleaded that value of the property was more than Rs.50 lakhs, but no money was transferred in the name of Harajala Singh nor he received any money from the defendants and the appellant-plaintiff had thus equal rights in the suit property with the respondents-defendants. Hence, the suit.

[3] Upon notice, respondent No. 1-defendant No.1 (Balwant Singh) appeared and filed written statement, taking preliminary objections regarding maintainability of the suit being time barred. On merits, respondent No. 1-defendant No.1 pleaded that the father of appellant-plaintiff and respondent-defendant No.1 had already divided the suit property between them. At the time of executing of another transfer deed bearing No.938 dated 03.09.2008, the appellant-plaintiff was also present and signed the same as a witness and in this way, he admitted the facts that the property stood divided between him and respondent-defendant No.1. This fact had also been mentioned in the above said transfer deed and thus, the property was legally transferred in the name of respondent No.2-defendant No.2 vide registered sale deed bearing No.977 dated 24.09.2008. Also, it was submitted that the appellant-plaintiff had no locus-standi to file the present suit as he had already got his share in the property owned by his father and respondent-defendant No.1 namely; Harjala Singh. On merits, it was pleaded that Harjala Singh, father of the

appellant-plaintiff and respondent No. 1-defendant No.1 was hale and hearty and was having full senses and executed the sale deed bearing Vasika No.977 in favour of respondent No. 2-defendant No.2 and transfer deed bearing Vasika No.978 in favour of respondent No. 1-defendant No.1 with his own free will and without any pressure. It was further averred that the sale deed executed by Harjala Singh was legal and valid document as he was the *Karta* of the family and was having every right to use the property as per his own will and requirement. Denying other averments made in the plaint, respondent No. 1-defendant No.1 prayed for dismissal of suit with costs.

[4] Respondent No. 2-defendant No.2 (Pargat Singh) filed separate written statement taking preliminary objections that the plaint was liable to be rejected on the ground that the name of father of the answering defendant is Bhag Singh and has been wrongly mentioned as Harjala Singh. It was pleaded that the suit property was self acquired property of Harjala Singh, who sold 03 kanal of land to him (defendant No. 2) for consideration of Rs.3,40,000/-. It was further pleaded that the land was mortgaged by Harjala Singh with Manjit Singh son of Gurdev Singh, resident of Village Salempur for a sum of Rs.2,20,000/- as he needed the money. He made the payment of Rs.2,20,000/- to said Manjit Singh and got the land redeemed. So, he paid Rs.2,20,000/- to deceased-Harjala Singh for making the payment to said Manjit Singh son of Gurdev Singh. On merits, it was pleaded that the suit property was not joint Hindu Family and coparcenary property, and the same was self-acquired property of Harjala Singh and was never inherited from the common ancestors.

Denying other averments made in the plaint, respondent No. 2-defendant No.2 prayed for dismissal of the suit with costs.

[5] On the basis of pleadings of the parties, the trial Court framed the following issues:-

- “1. *Whether suit property is joint Hindu Family Coparcenary property? OPP*
2. *Whether sale deed bearing No.977 dated 24.09.2008 in favour of defendant No.2 is null and void?? OPP*
3. *Whether sale deed bearing No.978 dated 24.09.2008 in favour of defendant No.1 is null and void? OPP*
4. *Whether the plaintiff is entitled to the relief of declaration as prayed for? OPP*
5. *Whether the plaintiff is entitled to the relief of injunction as prayed for? OPP*
6. *Whether the suit of plaintiff is within limitation? OPD*
7. *Whether the suit of the plaintiff is not maintainable? OPD*
8. *Whether the plaintiff has concealed material facts from the Court? OPD*
9. *Whether plaintiff has no locus-standi to file the present suit? OPD*
10. *Whether plaintiff is required to affix ad-valorem court fees? OPD*
11. *Relief. ”*

[6] The trial Court, vide its judgment and decree dated 25.08.2017, dismissed the suit of the appellant-plaintiff, while deciding Issue Nos. 1 to 5, 7 & 8 against the appellant-plaintiff; whereas Issues Nos. 6, 9 & 10 against the respondents-defendants.

[7] Aggrieved thereof, the appellant-plaintiff filed the first appeal, which also came to be dismissed vide judgment and decree dated

30.01.2019 passed by the First Appellate Court. Hence, the present appeal.

[8] Impugning the aforesaid judgments and decrees dated 25.08.2017 and 30.01.2019 passed by the Courts below, learned counsel for the appellant-plaintiff submitted that the Courts below have completely ignored the fact that the property in dispute was duly proved on record as joint Hindu Family and coparcenary property of the appellant-plaintiff, which Harjala Singh inherited from his father Bakhtaur Singh @ Bakhtawar Singh and thus, the present appeal was liable to be allowed.

No other argument has been raised on behalf of the appellant-plaintiff.

[9] After hearing learned counsel for the appellant-plaintiff and having gone through the paper-book / records, I am unable to find substance in the submission(s) made on behalf of the appellant-plaintiff.

[10] In the present case, the appellant-plaintiff failed to prove his claim of ownership. As per the revenue record Ex.P-1 to Ex.P-33 produced by the appellant-plaintiff himself, the property was owned by Sahib Singh and thereafter, it was inherited by Bakhtaur Singh @ Bakhtawar Singh and from Bakhtawar Singh, the suit property was inherited by Harjala Singh. From the perusal of mutation entry Ex.P-18, it can be discerned that the property in hands of Bakhtaur Singh @ Bakhtawar Singh was inherited by Babu Singh, Raunak Singh and Harjala Singh through registered Will dated 28.08.1970 and this fact was even admitted by the appellant-plaintiff in his cross-examination, while appearing as PW-2. Moreover, as per plaint, the aforesaid Will was never

challenged by the appellant-plaintiff. In such circumstances, the suit property in the hands of the father of appellant was never proved to be ancestral property.

[11] Accordingly, in view of the discussion made hereinabove, finding no illegality or perversity with the concurrent findings of fact recorded by the Courts below and there being no misreading or misinterpretation of either the pleadings or the evidence available on record; the present appeal, being devoid of merits, is hereby **dismissed**.

[12] Since, the main appeal has been decided / dismissed, no orders are required to be passed in the pending application(s), if any, and the same shall also stand disposed off.

August 18, 2025

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>