



RSA-2807-2023 (O&M)

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

RSA-2807-2023 (O&M)

Date of decision: 13.01.2025

Satpal and others

....Appellants

Versus

Karambir (since deceased) through his LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhimanyu Singh, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of the fact arrived at by the courts below while decreeing the plaintiff's suit for the grant of decree of declaration with a consequential relief of permanent injunction is assailed by the defendants. The plaintiff came to the court claiming that he is in possession of the three houses, which have been constructed by him pursuant to the defendants having handed over possession to him in exchange of his property. DW2 and DW3, while appearing in evidence, admitted the plaintiff's case. They admitted that the defendants are in possession of plots which belonged to the plaintiff in 1976 whereas the plaintiff is in possession of the plot, which was handed over by the defendants pursuant to exchange dated 05.11.1976.
2. Though the defendants claim that the plaintiffs are in possession of the property from 1984 as licensee, however, they failed to prove that fact.

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3. It has also been noticed that provisions of Section 118 and 54 of the Transfer of Property Act, 1882 are not applicable to the area of State of Haryana in view of law laid down in **Rattan Chand vs. Piar Singh 2018(3) CCC 446** and **Shyam Naryan Prasad vs. Krishan Parshad and others 2018 (supp) CCC 475 (SC)**.

4. Learned counsel representing the appellants contends that the plaintiffs are not proved to be owner of the plots, which were handed over to defendants in exchange. He submitted that the courts have failed to appreciate this fact.

5. This Court has considered the submissions made by the learned counsel representing the appellants.

6. It may be noticed here that upon appreciation of the pleadings, the courts have culled out the following issues:-

“1. Whether the plaintiff is entitled to the decree of permanent injunction as prayed for? OPP

2. Whether the plaintiff is entitled to the decree of declaration as prayed for? OPP.

3. Whether the defendant is entitled to the relief of counter claim as prayed for? OPD.

4. Whether the suit is not maintainable in the present form? OPD.

5. Whether the plaintiffs have no locus standi/cause of action to file the present suit? OPD.

6. Whether the plaintiffs are estopped by their own acts and conduct to file the present suit? OPD.

7. Whether the plaintiffs have concealed the true and material facts from this Court and have not come with clean hands before this court? OPD.



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8. Whether the suit of the plaintiff is hit by the principle of resjudicata? OPD.

9. Relief.”

7. Moreover, during all this while, the defendants have not proved that the property, which was given by the plaintiff in exchange to them was owned by somebody else and not the plaintiff.

8. Hence, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

13.01.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE