



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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RSA-1408-2013(O&M)
Date of decision: 25.09.2025

Baljinderpal Singh & Another

...Appellant(s)

Vs.

Inderjit Kaur & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Shivani Jaglan, Advocate for
Ms. Aashna Gill, Advocate
for the appellants.

Mr. Kanwal Goyal, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present second appeal has been filed by the plaintiffs against the concurrent judgments and decrees of the learned Courts below whereby suit filed by the appellants for possession of the suit property measuring 21 kanal 2 marlas, has been dismissed by both the Courts below.

2. Brief facts of the case as pleaded in the plaint are that Puran Singh son of Santokh Singh was the real brother of Mohinder Singh, who is husband of Inderjit Kaur/defendant. Therefore, defendant Inderjit Kaur is the sister-in-law/Bhabhi of Puran Singh. Puran Singh had died on 05.08.1993. Plaintiff No.1 is the widow and the plaintiffs No.2 to 5 are the sons and daughters of deceased Puran Singh. It was pleaded case of the plaintiffs that



Puran Singh was owner of sufficient agricultural land including the suit land. After the death of Puran Singh, the plaintiffs had become owners of his entire estate including the suit land. Plaintiffs or Puran Singh had never gifted or sold the suit land to defendants. However, the defendants were in possession of the suit property without the consent of the plaintiffs. As such, their possession over the suit property was without any right, title or interest. Plaintiff No.1 on her behalf and on behalf of the remaining plaintiffs had asked the defendant about a month back to hand over vacant possession of the suit land but the defendant had refused the request of the plaintiffs. Hence, present suit was filed on 01.08.1996.

3. Upon notice, the defendants had appeared and filed written statement contesting the suit. It was contended by the defendants that Puran Singh was not the owner of the suit land at the time of his death as, vide Consent Decree dated 31.05.1985, Puran Singh had admitted the claim of Inderjit Kaur/defendant. It was contended that Puran Singh had suffered the decree dated 31.05.1985 voluntarily and had given the suit land to the defendant in pursuance and in terms of the Family Settlement of the year 1982. Thus, the defendant was owner in possession of the suit land with which the plaintiffs had no concern. The suit was also time-barred. Accordingly, dismissal of the suit was prayed for.

4. Replication was filed by the plaintiffs denying the submissions made in the written statement and reiterating those made in the plaint.

