



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

210

RSA-1683-2013 (O&M)**Date of decision : 25.08.2025****Badan Singh****..... Appellant**

versus

Chander Bhan and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sanjay Vij, Advocate
for the appellant.

None for the respondents.

PANKAJ JAIN, J. (Oral)

1. Defendants are in appeal, aggrieved of the judgment and decree passed by the Courts below.
2. Plaintiff filed suit seeking decree of permanent injunction. As per the plaintiff, he is owner of plot bearing No.32/14 measuring 0 kanal 10 marlas situated in the revenue estate of village Badh Malik, Tehsil and District Sonapat. As per the claim of the plaintiff, the same came to plaintiff in exchange with his uncle. Plaintiff constructed house over the said plot. Plaintiff claims that defendants started interfering in his peaceful possession over the area admeasuring 116 sq. yards. Plaintiff thus prayed for decree of permanent injunction.
3. Suit was contested by the defendants. It was denied that plot No.32/14 measuring 10 marlas came to the possession of the plaintiff in exchange from his uncle Nand Lal vide exchange deed dated 06.02.1978. Defendants disputed ownership of Nand Lal over the same.



Defendants claimed themselves to be owners in possession of part of the plot measuring 116 sq. yds. claiming to have constructed boundary wall and having stacked bricks therein.

4. Suit filed by the plaintiff was put to trial framing following issues:-

- “1. Whether plaintiff is in possession of the land as detailed in the plaint and is entitled to the injunction as claimed for? OPP.
2. Whether the suit of the plaintiff is not maintainable in the present form? OPD.
3. Whether the plaintiff has no cause of action to file the present suit? OPD.
4. Whether the suit of the plaintiff is liable to be dismissed because of concealment of material facts? OPD.
5. Relief.”

5. Trial Court while deciding issue No.1 came to the conclusion that the plaintiff successfully proved his possession over the suit land. Mutation in favor of plaintiff has been challenged by defendants and revenue thereof is pending before the revenue authorities. Holding that the plaintiff successfully proved his possession, Court of the First Instance decreed the suit filed by the plaintiff. The aforesaid findings have been confirmed by the Lower Appellate Court.

6. Counsel for the appellant while assailing the findings recorded by the Courts below, submits that the revenue proceedings are pending before Collector for last more than 30 years and the same have not been finally adjudicated.

7. Be that as it may, so far as possession of the plaintiff over the suit land is concerned, both the Courts below have concurrently found the plaintiff to be in possession and have thus, rightly decreed the suit.



- 8. In view of above, the present appeal is disposed off.
- 9. It is however made clear that the proceedings, if any, pending before the revenue authorities with respect to allotment of the land in question, shall not be affected by any of the findings recorded by Civil Court in the present case.
- 10. Ordered accordingly.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

25.08.2025

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No