



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

255

**RSA-1785-2014 (O&M)
Date of decision : 30.10.2025**

Chuhar Singh and others

..... Appellants

versus

Major Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.N. Malik, Advocate
for the appellants.

Mr. Harsh Aggarwal, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. Defendants are in appeal.
2. Plaintiff filed suit for separate possession by way of partition claiming himself to be co-owner to the extent of 8/53 share admeasuring 08 biswas out of 2 bigha claimed to have been purchased from defendant No.7 to 12 vide registered sale deed bearing document No.995 dated 28.10.1997.
3. Suit was contested by defendants No.1, 13 to 15 and LRs of defendant No.6. It was claimed that the land in question is under construction and is abadi land, which already stands partitioned.
4. Suit filed by the plaintiff was put to trial framing following issues:-

“1. Whether plaintiff is entitled to possession by way of partition as prayed for? OPP

2. Whether the plaintiff is entitled to permanent injunction, as prayed for? OPP



3. *Whether the suit is not maintainable in the present form?*

OPD

4. *Whether the plaintiff has no cause of action and locus-standi to file the present suit? OPD*

5. *Whether the plaintiff is estopped by his own act and conduct from filing the present suit? OPD*

6. *Relief.”*

5. On issue No.1 and 2, the Court of the First Instance observed as under:-

“One other important point is in this suit, that Khasra No.1425 has been mentioned in the Jamabandi and also in the Sale Deed, vide which plaintiff purchased land in dispute but it has not been mentioned in the Akas Latha, as stated by DW-3 Hardeep Singh Patwari. But it has no effect due to the reason that presumption of truth is attached with Jamabandi. So, unless and untill Jamabandi is not disproved, it will be presumed to be true. All these circumstances show that if he has purchased suit land vide sale deed, then how he is entitled to the relief of possession by way of partition and injunction against defendants when he claims to be in possession. It should either have been proved that first the suit land was joint between defendants, then they got it partitioned orally and plaintiff has purchased that portion which Naranjan Singh had got in partition but in the absence of proof of it, these issues stand not proved, hence are decided against plaintiff.”

6. Court of the First Instance dismissed the suit.

7. Lower Appellate Court reversed the findings recorded by the Trial Court and came to the conclusion that defendants having failed to prove that the land was earlier partitioned as claimed by them and that presumption of truth being attached to the revenue record which shows that the land is still joint, plaintiff was entitled to the decree of possession by way of partition.

8. Having heard counsel for the parties and after carefully



finding of fact has been recorded by the Lower Appellate Court, relying upon the record of rights in form of Jamabandi for the year 2002-03. Purchase of share by the plaintiff vide registered sale deed being not in question, the Lower Appellate Court rightly decreed the suit filed by the plaintiff seeking possession by way of partition.

9. Counsel for the appellants has not been able to point out any evidence on record which has gone unnoticed or has been misread by the Lower Appellate Court that can breed question of law.

10. Finding no merits in the present appeal, the same is ordered to be dismissed.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

30.10.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No