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

RSA-4495-2015 (O&M)
Date of Decision: 17.09.2025

KRISHAN AND OTHERS

....Appellants

Versus

JAGDISH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shiv Kumar, Advocate
for the appellants.

Mr. Rajesh Lamba, Advocate
for the respondent.

Parmod Goyal, J.

Present appeal has been filed by the appellants/defendants being aggrieved by judgment and decree dated 05.02.2014, passed by learned Civil Judge (Junior Division), Faridabad and judgment and decree dated 02.02.2015, passed by learned Additional District Judge, Faridabad, vide which suit for permanent injunction preferred by plaintiffs/respondents was decreed and appeal preferred by the present appellants was dismissed.

2. Respondent/plaintiff in his suit for permanent injunction claimed that he is absolute owner in possession of residential house including 'Gher' situated within Abadi Deh of Village Allipur, Tehsil Ballabgarh, District Faridabad. It was asserted that 'Gher' consist of latrine-bathroom, one hand pump and same is adjacent to ancestral property of plaintiff. It was claimed that 'Gher' was purchased by his father from one Phool Singh s/o Ramji Lal on 01.08.1975 for a total sum of Rs.1,000/- vide receipt executed by the seller in presence of witnesses. It was the case of



plaintiff that defendants who were strong headed persons are trying to disturb his peaceful possession of suit property and accordingly, he sought permanent injunction. Suit was duly contested by defendants No.1 to 4 and defendant No.5 by filing separate written statements. They took preliminary objections as regards to plaintiff having not approached the Court with clean hands and maintainability of suit land.

3. However, on merits it was asserted that Phool Singh s/o Ramji Lal had nothing to do with the suit property. He had no legal right to sell the same to father of plaintiff, rather suit property was owned by Sukhi Ram who had sold the same to Shrimati w/o Kishan Lal vide registered sale deed dated 30.05.2008 and it is Shrimati who is absolute owner of suit property. Dismissal of suit was prayed for.

4. From the pleadings of parties, following issues were framed:-

1. Whether the plaintiff is owner in possession of the suit land? OPP
2. Whether the plaintiff is entitled for a decree of permanent injunction, as prayed for? OPP
3. Whether suit is not maintainable? OPD
4. Whether plaintiff has no locus standi and no cause of action to file the present suit? OPD
5. Relief.

5. Issues No.1 and 2 were decided in favour of plaintiff. Issues No.3 and 4 were decided as not pressed and accordingly, suit of plaintiff was decreed. The findings of learned Court of first instance were upheld by learned First Appellate Court.

6. Learned counsel for the appellants has argued that though the Courts have erred in decreeing/dismissing the appeal preferred by appellants



as no right in favour of plaintiff flows from alleged receipt executed allegedly by Phool Singh as the same is not a registered document. It is argued that on the other hand it is wife of defendant No.1 appellant who is lawful owner of suit property having purchased the same from Sukhi Ram vide sale deed Ex.D1.

7. On consideration I do not find any error in the finding of facts and conclusions drawn by both the Courts below. Admittedly, plaintiff has filed a suit for permanent injunction claiming possession of suit property. He has claimed that vide receipt executed by Phool Singh, the suit property was purchased by his father for a consideration of Rs.1,000/-. On the other hand, the case of defendants is that Phool Singh had no concern with the suit property and suit property was owned by Sukhi Ram who had sold the same to the wife of defendant No.1 vide sale deed dated 30.05.2008.

8. On one hand defendants are challenging the receipt executed by Phool Singh in favour of father of plaintiff, on the other hand, the sale deed dated 30.05.2008 in favour of wife of defendant No.1 is being challenged, on the ground that Sukhi Ram had no title or concern with the suit property and, therefore, the sale deed executed in favour of wife of defendant No.1 is not binding.

9. Admittedly, in the present case, the issue of ownership is not in question. Issue is as to who is in possession of suit property. Plaintiff/respondent claims that he is in possession of suit property and part of construction of his house falls in suit property and he is enjoying the suit property along with his ancestral house and has placed reliance upon payment of electricity bills, identity card and ration card. These documents in fact go to prove that plaintiff is in possession of suit property along with ancestral house which is stated to be adjoining. The evidence led by plaintiff



is being challenged by appellants, on the ground that the documents pertain to ancestral house and not to suit plot as admitted by plaintiff while appearing as PW1. He has made reference to the evidence of PW1 to argue that plaintiff had admitted that electricity meter is fixed in his ancestral house.

10. However, if the entire statement of PW1 is considered, he has clearly stated in his cross-examination that part of his house i.e. entrance as well as varandha, latrine etc. are in suit plot which is adjoining to his ancestral house since main building is situated in ancestral plot, therefore, electricity meter is installed there which is being used by plaintiff over the suit property also. As far as defendants are concerned, they have failed to lead any evidence to show that it is they who are in possession. They have failed to rebut evidence regarding possession of plaintiff and has also failed to lead evidence to show their possession over the suit property. Suit property is stated to be property situated within Abadi Deh/Lal Dora.

11. In absence of any material to show possession of Sukhi Ram or his ownership over the suit property, the Courts below have rightly not concluded ownership of defendants over the suit property only on the basis of sale deed dated 30.05.2008. In order to rely upon sale deed dated 30.05.2008, it was incumbent upon appellants to establish ownership/possession of Sukhi Ram over the suit property, however, there is no material to conclude ownership or possession of Sukhi Ram over the suit property which is situated within Lal Dora. In absence of proof of possession and ownership of Sukhi Ram or defendants through Sukhi Ram, no fault with the conclusion drawn by the Courts below can be found. Conclusions recorded by the Courts below are based upon evidence. Even though unregistered receipt in favour of father of plaintiff will not give rise to



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presumption of ownership, however, it supplements and corroborates evidence of plaintiff regarding his possession over the suit property for very long time.

12. No question of law arises in the facts and circumstances of the present case. Appeal is accordingly dismissed.

17.09.2025

chiranjeev

**(PARMOD GOYAL)
JUDGE**

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No