



RSA-3164-2025

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

RSA-3164-2025

Date of Decision: 11.09.2025

SUBHA KAUR

....Appellant

Versus

RAJENDER AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nitin Sharma, Advocate
for the appellant.

Parmod Goyal, J.

Unsuccessful plaintiff-appellant is aggrieved by the judgment and decree dated 29.09.2022, passed by learned Civil Judge (Junior Division), Charkhi Dadri and judgment and decree dated 30.04.2025, passed by learned Additional District Judge, Charkhi Dadri, whereby her suit for ejectment and injunction as well as her first appeal were dismissed.

2. Plaintiff-appellant had filed a suit for ejectment claiming land measuring 51.3 square yards as detailed in the plaint has been illegally occupied by defendants No.8 and 9. Plaintiff had also sought permanent injunction restraining defendants from raising any construction. Plaintiff claimed herself to be owner of suit land. It is the case of plaintiff that in Civil Suit No.125 of 2016 filed on 30.05.2016 by plaintiff, the suit property was demarcated by retired Girdawar. From demarcation report plaintiff came to know that defendants have illegally encroached upon the land of plaintiff. Plaintiff had withdrawn her suit No.125 of 2016 on



27.06.2016 with permission to file a fresh suit on the same cause of action and accordingly on refusal to vacate the encroached land, plaintiff had preferred the present suit.

3. Defendants had resisted the claim of plaintiff. It was asserted that demarcation report relied upon by plaintiff is not binding upon them as they were not put to notice before conducting demarcation nor demarcation was done in accordance with law as the same was not possible without computerized equipment/satellite assistance as the suit land is surrounded by plots from all sides. It was claimed that during consolidation Khasra No.77 was allotted to father of plaintiff and adjacent land on the southern side bearing Khasra No.69 was allotted to defendant No.1 and his brothers. It was asserted that plaintiff is not only owner of Khasra No.77 as she has already alienated 11 Marlas land by way of sale deeds dated 08.06.2015. Defendant No.1 claimed that he had constructed his house in 1957 and residing as such in the said house. It is asserted that defendants had given 120 square yards of land by mutual transfer which plaintiff cultivates and is in possession of the same. Defendants have also sought adverse possession over the suit land.

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

1. Whether the defendants are liable to be ejected from the land in question as alleged ? OPP
2. Whether the plaintiff is entitled to decree of injunction, as prayed for? OPP
3. Whether the suit of the plaintiff is not maintainable in the present form? OPD
4. Whether the plaintiff has no cause of action to file the present suit? OPD



5. Whether the suit of the plaintiff is bad for non-joinder and mis-joinder of necessary parties? OPD
6. Relief.

5. Both the Courts below concurrently found on appreciation of evidence that demarcation done by retired Girdawar upon which plaintiff had placed reliance to claim encroachment by defendants is not in accordance with law. It has been duly noticed and found even by this Court that no notice was issued to defendants regarding demarcation conducted by Girdawar, who was examined as PW2 in the present case. PW2 has also admitted that it was on the instructions of plaintiff, no notice was served and no *Munadi* was effected in the village. He also admitted that defendants were not present at the time of demarcation. Both the Courts have also found on the basis of admission of plaintiff, who had appeared as PW3 that around the suit property, houses stand constructed and suit property cannot be demarcated without computerized/satellite assistance. Similarly, both the Courts have held that plaintiff has failed to rebut the claim of defendants that land was exchanged 60 years back with part of Khasra No.69 on the basis of oral exchange and that the house of defendants is in existence since 1957. It was also held by the Courts below that alleged encroachment by defendant No.1 existed for more than last 15 years and it was in the knowledge of plaintiff and, therefore, had held suit of plaintiff being time barred.

6. Learned counsel for appellant has failed to show any material either from evidence or from documents exhibited on record from which it can be concluded that the finding of facts recorded by the Courts below has got any defect. Both the Courts below have rightly appreciated the evidence

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available on record and have returned finding of fact.

7. Accordingly, no interference is warranted. No question of law arises. Appeal is dismissed being without merit. Pending application(s), if any, shall stand disposed of.

11.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

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