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

RSA-2213-2018

Date of decision : 07.02.2025

RAGHBIR SINGH

....Appellant

Versus

RAJBIR SINGH

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Kotla, Advocate
for the appellant.

PANKAJ JAIN, J. (ORAL)

Plaintiff is in second appeal aggrieved of the judgments and decrees passed by the Courts below.

2. For convenience, the parties hereinafter are referred to by their original position in the suit i.e. the appellant as the plaintiff and the respondent as the defendant.

3. Plaintiff filed suit for possession of the property as mentioned in the headnote of the plaint (hereinafter referred to as 'the suit property')

4. Plaintiff filed suit for possession relying upon Bahi entry claiming that his predecessor-in-interest Mangli Ram purchased the plot from Ami Lal son of Parbhu Dayal for a consideration of Rs.500/- on 03.04.1950. Possession of the plot was handed over to Mangli Ram. In the year 1951 during consolidation the plot was converted into khasra number.



Courts below have non-suited the plaintiff holding that the description of the property in the Bahi entry Ex. PF does not match with the description given in the plaint.

5. Mr. Kotla while assailing the judgments and decrees passed by the Courts below submits that once Bahi entry was proved as Ex.PF and the specific case pleaded by the plaintiff was that he remained in possession of the suit property from the year 1950 till the year 2003, the Courts below ought to have decreed the suit in the absence of there being any evidence led by the defendant to prove his source of possession.

6. I have heard counsel for the appellant and have carefully gone through records of the case.

7. Trite it is that it is for the plaintiff to stand on his own legs and the suit cannot be decreed in favour of the plaintiff relying upon weakness in the case of the defendant. Precise case pleaded by the plaintiff is that he is owner of the suit property on the basis of Bahi entry dated 03.04.1950 Ex.PF. He was dispossessed in the year 2003. Being owner of the property, he is entitled to be put back in possession. Even though there is a concurrent finding recorded by the Courts below w.r.t. discrepancy in the identification of the property *vis-a-vis* details as mentioned in Bahi entry as well as those mentioned in the plaint, yet even if for the sake of arguments the same is ignored, Mr. Kotla is not in position to dispute that merely Bahi entry for a property having value more than Rs.100/- can not invest title in the plaintiff in view of definition of 'sale' as adumbrated under Section 54 of the



Transfer of Property Act. Plaintiff in order to claim possession of the property, is required to prove lawful title. Having failed to do so, Courts below have rightly non-suited the plaintiff. Resultantly, no ground for interference in the instant second appeal is made out and the same is ordered to be dismissed.

February 07, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No