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

RSA-393-2019 (O&M)

Reserved on : 27.11.2025

Date of Decision : 19.12.2025

Judgment Uploaded on : 19.12.2025

Whether only the operative part of the judgment is pronounced or whether the full judgment is pronounced: Full

Inderjit Singh

... Appellant(s)

VERSUS

Ranjit Singh & Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ramneek Vasudeva, Advocate for the appellant.

ALKA SARIN, J.

1. The present regular second appeal has been filed by the plaintiff-appellant challenging concurrent findings returned by the Trial Court vide the judgment and decree dated 31.10.2017 and by the First Appellate Court vide judgment and decree dated 09.07.2018 whereby the suit for permanent injunction has been dismissed.

2. Briefly the facts relevant to the present *lis* are that the plaintiff-appellant filed the present suit for permanent injunction for restraining the defendant-respondents from encroaching on valuable part of the suit property by raising construction on any specific portion without getting it partitioned. It was the case set up by the plaintiff-appellant that he was a co-sharer and co-owner in the suit property alongwith the defendant-respondents and the defendant-respondents were trying to grab a valuable

portion of the suit property by raising construction on the same.

3. Notice was issued to the defendant-respondents. The plaintiff-appellant later withdrew the suit against the defendant-respondent No.5 on 16.09.2013. The suit was contested by the defendant-respondent Nos.1 to 3 who filed a joint written statement. It was averred that initially the property was owned by Faggu and Sardara who exchanged it with Ganda Singh, grandfather of the defendant-respondent Nos.1 to 3, in the year 1933. The plaintiff-appellant had no concern with the suit property. It was further averred that earlier a suit for injunction was filed by Gurdial Singh and Surmukh Singh on 30.09.1997. The defendant-respondent No.6 filed a separate written statement stating that the suit property was joint and that he had no intention to raise any construction.

4. Replication was filed reiterating the contents of the plaint and denying those of the written statement. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the plaintiff is entitled to permanent injunction, as prayed for ? OPP
2. Whether the plaintiff has no cause of action to file the present suit ? OPD
3. Whether the suit of the plaintiff is not maintainable in the present form and is liable to be dismissed ? OPD
4. Whether the plaintiff has not come to the Court with clean hands ? OPD
5. Whether the plaintiff has no locus standi to file the present suit ? OPD
6. Relief.

5. The Trial Court vide the judgment and decree dated 31.10.2017 dismissed the suit. Aggrieved by the same, an appeal was preferred by the plaintiff-appellant which appeal was also dismissed by the First Appellate Court vide the judgment and decree dated 09.07.2018. Hence, the present regular second appeal.

6. Learned counsel for the plaintiff-appellant would contend that both the Courts have erred in dismissing his suit. It is contended that the plaintiff-appellant is being deprived of his valuable property as the defendant-respondents are raising construction on valuable portion of the land without partition having been effected. It is further the contention of the learned counsel that the defendant-respondents cannot be permitted to carry out construction on the land to the detriment of the plaintiff-appellant.

7. I have heard the learned counsel for the plaintiff-appellant.

8. In the present case the only evidence led by the plaintiff-appellant was the site plan (Ex.P1). Though the case set up by the plaintiff-appellant was that the suit property had been inherited by the plaintiff-appellant and the defendant-respondents from their common ancestor, however, no details of any common ancestor were mentioned, nor any pedigree table was drawn up. The plaintiff-appellant in his cross-examination feigned ignorance of the exchange deed qua the suit property with Sadhu Singh father of Ganda Singh or that mutation qua the suit property was sanctioned on the basis of the exchange deed dated 15.08.1933 (Mark - X3). It has further come in evidence that the defendant-respondent No.2 – Charanjit Singh – is in possession of the house purchased by him and the wall which was being raised by him was the wall which had fallen due to

rain. The plaintiff-appellant miserably failed to prove his case on all counts. No reliable or cogent evidence was led by the plaintiff-appellant to show that he was in possession of the suit property or that the suit property had been inherited by him. Even the fact that the defendant-respondents were raising any construction on any valuable portion of the land could also not be proved by the plaintiff-appellant. In the absence of any cogent evidence having been led by the plaintiff-appellant regarding his possession of the suit property and even having failed to mention the name of the ancestor from whom the plaintiff-appellant alleges to have inherited the suit property, no fault can be found with the judgments and decrees passed by both the Courts.

9. In view of the above, no fault can be found with the judgments and decrees passed by both the Courts. No question of law, much less any substantial question of law, arises in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

19.12.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO