



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

RSA-4109-2025 (O&M)
Date of Decision: 11.12.2025

ARCHANA SAINI AND ANOTHER

....Appellants

Versus

TARSEM LAL AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dinesh Nagar, Advocate
for the appellants.

Parmod Goyal, J. (Oral)

Appellants/defendants are aggrieved by impugned judgments and decrees dated 27.10.2022 and 24.10.2025, passed by learned Civil Judge (Junior Division), Hoshiarpur and learned District Judge, Hoshiarpur respectively. Vide impugned judgment and decree dated 27.10.2022, suit preferred by respondents/plaintiff for mandatory injunction directing appellants/ defendants to hand over vacant possession of double storey house owned by respondents/plaintiff was decreed and first appeal preferred by appellants/defendants was dismissed.

2. The simple case of respondents/plaintiff was that the suit property was purchased by his father Kedar Nath vide registered sale deed dated 18.02.1980. The suit property was succeeded by respondents/plaintiff from his late father vide registered will dated 26.06.1992. Since respondents/plaintiff was having good relations with appellant/defendant



Kailash Nath, he inducted Kailash Nath as a licensee over the suit property, however, when respondents/plaintiff needed the same, he refused to vacate the same and hand over possession to respondents/plaintiff and accordingly, license was revoked vide legal notice dated 21.08.2017.

3. Kailash Nath was now represented through his LRs, on the other hand, took preliminary objections, denied the entire case of respondents/plaintiff and claimed that there was no relationship of licensor and licensee between the parties. He asserted that suit property was part of *abadi deh* and sale of property within *abadi deh* is not registered by local Registrar and, therefore, he had purchased the property vide agreement to sell and delivery of possession on payment of full and final sale consideration. Appellants/defendants claimed that they had purchased the suit property for amount of Rs.2,60,000/- vide agreement to sell dated 04.09.2015 from one Inderjit Singh. They also claimed that Inderjit Singh purchased the same property vide agreement to sell dated 11.06.2015 executed by Deepak Kumar who had also purchased the said property vide agreement to sell dated 26.03.2012 executed by Ramesh Kumar. It is the case of appellants/defendants that Ramesh Kumar owned and possessed the suit property since the year 2002 to the knowledge of respondents/plaintiff. It was claimed that respondents/plaintiff had never objected to open title and possession of appellants/defendants and, therefore, the suit is liable to be dismissed.

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

1. Whether the plaintiff is entitled for mandatory injunction as prayed for? OPP



2. Whether the plaintiff is entitled to permanent injunction as prayed for? OPP
3. Whether the suit is not maintainable? OPD
4. Whether site plan of plaintiff is incorrect? OPD
5. Whether the plaintiff is estopped by his act and conduct from filing the instant suit? OPD
6. Whether suit is bad for non-joinder of necessary parties? OPD
7. Whether suit is barred by limitation? OPD
8. Whether the suit is not properly valued for the purpose of court fee and jurisdiction? OPD
9. Relief.

5. Learned Trial Court after considering pleadings and evidence of parties decided issues No.1 and 2 in favour of respondents/plaintiff and against appellants/defendants and issues No.3 to 8 were decided against appellants/defendants and accordingly, suit was decreed. First appeal preferred by LRs of appellants/defendants was also dismissed.

6. Perusal of impugned judgments goes to show that both the Courts have rightly appreciated the evidence led by respondents/plaintiff. Respondents/plaintiff in order to prove will dated 26.06.1992 had duly appeared himself and examined attesting witness as PW1 as well as proved its due registration by examining official from the office of Sub-Registrar. There is no challenge to the will as appellants/defendants have claimed ownership independent to the rights of respondents/plaintiff, therefore, the conclusion drawn by both the Courts that on the basis of will, respondents/plaintiff is successor of his father cannot be faulted with.

7. Similarly both the Courts have found that respondents/plaintiff



has succeeded in proving due execution of registered sale deed Ex.P3 in favour of his father vide which suit property was purchased by his father. Sale deed dated 18.02.1980 Ex.P3 has been duly proved by official from HRC Office of Deputy Commissioner while appearing as PW5 and by deed writer as PW7. The evidence of PW5 & PW7 clearly proves will as well as sale deed in favour of father of plaintiff. No material has been shown to create doubt over evidence of respondents/plaintiff regarding execution of sale deed dated 18.02.1980 as well as will dated 26.06.1992.

8. On one hand respondents/plaintiff has succeeded in proving his case by leading reliable evidence, on the other hand, no evidence has been led by appellants/defendants to prove their case as taken in written statement. Appellants/defendants have claimed that they had purchased the suit land in 2015 vide agreement after making full and final payment, however, he has not examined any witness to prove the agreement nor agreement was placed on record by way of leading any affirmative evidence. Moreover, the case of appellants/defendants cannot be accepted as on one hand, respondents/plaintiff is claiming his ownership rights by way of registered sale deeds whereas, appellants/respondents are claiming their right on the basis of agreement to sell which was executed by one Inderjit Singh who got agreement in his favour by way of agreement to sell by Deepak Kumar. Deepak Kumar got it from Ramesh Kumar and there is no material to prove that Ramesh Kumar was the actual owner of suit property as ownership of Ramesh Kumar has not been pleaded on the basis of any material in written statement or by leading any evidence. Therefore,

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appellants/defendants have clearly failed to prove assertions made by them in written statement.

9. No fault with findings recorded by both the Courts below can be found. The findings are based upon pleadings and evidence led by the parties. No substantial question of law arises. The present appeal is dismissed. Pending application(s), if any, is/are disposed of accordingly.

11.12.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

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