



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

**RSA-4466-2025 (O&M)
DECIDED ON: 24.12.2025**

RAJ KUMAR

.....APPELLANT

VERSUS

RAM RATTAN (NOW DECEASED) THROUGH HIS LRS

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

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

MANDEEP PANNU, J (ORAL)

1. The present Regular Second Appeal has been filed by the appellant–defendant against the judgment and decree dated 28.10.2025 passed by the learned Additional District Judge, Ambala, whereby the appeal preferred by the respondents–plaintiffs was allowed and the judgment and decree dated 07.03.2018 passed by the learned Civil Judge (Junior Division), Ambala, dismissing the suit for mandatory injunction, was set aside and the suit of the respondents–plaintiffs was decreed.

2. Briefly stated, the facts of the case are that the appellant–defendant and the original plaintiff Ram Rattan (since deceased) were real brothers. The suit property bearing House No. 632 (New No. 1930), situated at Kaith Majri, Ward No. 1, Ambala City, is the property in dispute between the parties. The suit for mandatory injunction was instituted by Ram Rattan

seeking a direction to the appellant to hand over vacant possession of a portion of the said house, alleging himself to be the exclusive owner thereof.

3. It was the case set up by the plaintiff that the suit house was purchased by him in his own name and that the appellant was allowed to reside in a portion of the house only due to close family relationship and lack of alternate accommodation. It was alleged that despite repeated requests, the appellant failed to vacate the premises, compelling the plaintiff to file the suit.

4. The appellant–defendant contested the suit by filing written statement and specifically pleaded that the suit property was a joint family house, purchased out of joint funds, and that both parties had been residing therein jointly since the time of its acquisition. It was further pleaded that the plaintiff never asserted exclusive ownership earlier and that the appellant had been in possession in his own right as a co-sharer. On these pleadings, the learned trial Court framed issues and, after appreciation of evidence, dismissed the suit vide judgment and decree dated 07.03.2018.

5. Aggrieved thereof, the respondents–plaintiffs preferred an appeal, which has been allowed by the learned First Appellate Court vide the impugned judgment and decree dated 28.10.2025, resulting in the present Regular Second Appeal.

6. The learned Trial Court, after appreciating the pleadings and evidence led by the parties, dismissed the suit filed by the plaintiff for mandatory injunction, primarily on the premise that the defendant had been in long possession of a portion of the suit property and that the plaintiff had failed to satisfactorily establish the source of funds for purchase of the suit house. The Trial Court further appears to have been influenced by the

familial relationship between the parties and the long cohabitation, thereby doubting the exclusive ownership of the plaintiff despite the existence of a registered sale deed in his favour.

7. The Lower Appellate Court, on a comprehensive re-appraisal of the entire evidence, both oral and documentary, reversed the findings of the Trial Court. It has been categorically held that the plaintiff was the registered owner of the suit property by virtue of a registered sale deed dated 12.11.1980 and that the execution and validity of the said sale deed was never challenged by the defendant in accordance with law.

8. Having heard learned counsel for the appellant. The Lower Appellate Court has rightly observed that once a registered sale deed stands proved, a statutory presumption of valid title and consideration attaches to it, and the burden squarely lies upon the defendant to rebut the same by cogent and convincing evidence, which burden has remained undischarged.

9. The Lower Appellate Court has further recorded a clear finding that the defendant's possession over the suit property was permissive in nature. This conclusion has been drawn not only from the pleadings and conduct of the parties, but also from the earlier litigation between them, wherein the defendant had been declared to be a licensee and restrained from raising any construction over the suit property. The said earlier judgment had attained finality and, therefore, the status of the defendant as a licensee stood conclusively determined. The Trial Court, while deciding the present suit, erred in ignoring the binding effect of the earlier adjudication and in recording findings contrary thereto, which has been correctly rectified by the Lower Appellate Court.

10. The plea of joint ownership or purchase of the suit property from joint funds has also been rightly rejected by the Lower Appellate Court. The defendant's stand on this aspect has been found to be self-contradictory, shifting at different stages of the proceedings. Mere long residence, contribution towards repairs, or expenditure on construction at a subsequent stage does not confer any title or co-ownership in the presence of a valid registered sale deed. The Lower Appellate Court has also correctly held that such a defence is hit by the provisions of the Benami Transactions (Prohibition) Act and does not fall within any statutory exception.

11. This Court finds that the Lower Appellate Court has dealt with each contention raised by the defendant in a detailed and reasoned manner and has reversed the findings of the Trial Court for valid, cogent and legally sustainable reasons. The conclusions arrived at are based on proper appreciation of evidence and settled principles of law. No perversity, misreading of evidence or substantial question of law is shown to arise from the impugned judgment and decree passed by the Lower Appellate Court.

12. The findings regarding the plaintiff's title, the permissive nature of the defendant's possession, and the effect of the earlier litigation are pure findings of fact based on evidence, which do not call for interference.

13. Consequently, this Court concurs with the findings and conclusions recorded by the Lower Appellate Court. The judgment and decree passed by the Lower Appellate Court do not suffer from any illegality or infirmity warranting interference.

14. Accordingly, the present Regular Second Appeal is dismissed in *limine* without issuing notice to the respondents. The judgment and decree passed by the Lower Appellate Court are upheld.

15. All pending miscellaneous application(s), if any, stands disposed of.

24.12.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No