



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-624-2024 (O&M)
Date of decision: 30.04.2026

Baljit Kaur @ Vicky Kaur Nagra
Vs.
Amarjit Singh Nagra and another

...Appellant(s)

...Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Chandan Gulati, Advocate
for the appellant.

NIDHI GUPTA, J.

Present Second Appeal has been filed by plaintiff No.1 against the concurrent judgments and decrees of the learned District Courts, whereby the suit filed by the plaintiffs/appellant and proforma respondent No.5 herein, for declaration, injunction **or** in the alternative suit for joint possession, has been dismissed with costs by both the District Courts.

2. Brief facts of the case are that plaintiffs had filed instant Civil Suit seeking declaration to the effect that plaintiffs and defendants No. 3 and 4/respondents No. 3 and 4 herein are joint owners in possession of suit land as described in the headnote of the plaint; **and** consequential relief of permanent injunction; **and** alternative suit for joint possession of 92K-7M.

3. It was the pleaded case of the plaintiffs that Harkewal Singh, father of plaintiffs and defendants no.1 & 3; and grandfather of defendant



no.2; and husband of defendant no.4; was Karta of the joint Hindu family and he inherited the suit land from his ancestors and therefore, the suit land in the hands of said Harkewal Singh was joint Hindu Family Ancestral and Coparcenary property. It was pleaded that recently plaintiffs had obtained fard jamabandi from the Patwari Halqa and had come to know that Harkewal Singh had transferred the suit land measuring 138K-10M vide Sale Deed dated 03.03.2009 in favour of defendant No.1. Defendant No.1 had further transferred part of the said land measuring 62K-4M in favour of his son vide Transfer Deed dated 03.05.2010. It was contended that since the land in question was Joint Hindu Family Coparcenary Property in the hands of Harkewal Singh therefore, he had no right to transfer the same vide Sale Deed dated 03.03.2009. Therefore, suit land continued to vest with the plaintiffs and defendants No. 3 and 4 by virtue of survivorship. Plaintiffs had repeatedly asked defendants to admit their claim but to no avail. Hence, present suit was filed on 11.03.2011.

4. Upon appraisal of the pleadings and the evidence led by the parties, the learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar had dismissed the suit of the plaintiffs with costs vide judgment and decree dated 24.07.2017. The Civil Appeal filed by the plaintiff No.1 was dismissed by the learned Additional District Judge, Shaheed Bhagat Singh Nagar vide judgment and decree dated 13.10.2023. Hence, the present second appeal by plaintiff No.1.

5. It is *inter alia* submitted by learned counsel for the appellant that plaintiffs had duly proved on record that the suit land was ancestral in



nature. It is submitted that plaintiffs had produced Jamabandi for the last 3 generations before the District Courts which duly reflected that the suit land in the hands of Harkewal Singh was joint Family property. However, all these evidences have been ignored by the learned District Courts.

6. Learned counsel for the appellant further submits that initially the written statement was filed on behalf of Harkewal Singh along with defendants no.1 & 2 denying the claim of the appellant. But Harkewal Singh, since deceased after knowing the said fact moved an application seeking the amendment of the written statement and the same was allowed and Harkewal Singh thereafter filed the amended and separate written statement withdrawing the earlier admissions and denying the earlier written statement filed by him. So, it is evident from the conduct of the respondent no.1 Amarjit Singh that the entire trap was planned to usurp the land owned by Harkewal Singh by concealing the contents of the written statement and getting the signatures of Harkewal Singh by sheer pressure and fraud. But the Ld. Courts while deciding the appeal totally ignored the above said conduct and contentions and passed the Judgement and Decree dt. 13.10.2023 which is illegal.

7. It is further submitted by learned counsel for the appellant that the appellant has also proved the entire revenue record by placing on record the fard jamabandis showing that the property was held by common ancestors and comes down by descent to the heirs. So, it was clearly evident from the fard jamabandis of the year 1969-70 as it is the only direct proof to prove the same. But both the Courts have ignored this



while deciding the appeal and clearly mentioning in para 13 of Judgement and decree dt. 13.10.2023 that the plaintiff /appellant has failed to adduce even iota of evidence to establish the nature of property to be ancestral. But as already mentioned above, the appellant has proved the suit land to be ancestral by submitting the entire revenue record showing the property to be owned by common ancestor which is unchallenged.

8. It is accordingly prayed that the present Appeal be allowed; and the impugned judgments and decrees of the Id. District Courts be set aside.

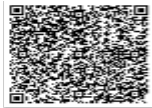
9. No other argument is raised on behalf of learned counsel for the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

10. The contention of the appellant/plaintiff is that suit property was ancestral in nature. It is further submitted that appellant had proved this fact by producing fard Jamabandis establishing the ancestral nature of the suit property. However, the record reveals to the contrary. The defendants have produced voluminous documentary evidence to establish that the property in question was self acquired property of Harkewal Singh. Defendants had placed on record certified copies of Sale Deeds Ex.D7 to Ex.D12 from which it is proved that Harkewal Singh had purchased part of the suit property from the persons mentioned therein. The learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar has recorded the details of the said Sale Deeds in para 20 of the judgment dated 24.07.2017, as follows: -

Sr. No.	Sale Deed dated	Executed by	In favour of	Exhibit
1.	25.04.1969	Moola Singh	Harkewal Singh	D7
2.	27.09.1982	Mohan Singh	Harkewal Singh	D8
3.	18.11.1982	Mohan Singh	Harkewal Singh	D9
4.	05.09.1988	Mahan Kaur	Harkewal Singh	D10
5.	03.05.1989	Mohan Singh	Harkewal Singh	D11
6.	20.05.1992	Harbans Kaur & Amar Singh	Harkewal Singh	D12

11. Defendants had also placed on record copy of the registered Will executed by Sukhdev Singh in favour of his son Harkewal Singh. From this fact also, it was established that suit property was not ancestral in nature. Thus, from the combined reading of the above evidence, it was established that part of the suit property had been purchased by Harkewal Singh vide Sale Deeds Ex.D7 To Ex.D12; whereas the remaining suit property had been inherited by Harkewal Singh from his father by way of registered Will. Pursuant to the above, Mutation No. 2185 had been executed in favour of Harkewal Singh on the basis of registered Will of his father Sukhdev Singh. The said Mutation was proved from the evidence of DW5 Ram Pal Patwari, who had deposed that Mutation No. 2185 had been executed on the basis of the registered Will of Sukhdev Singh in favour of his son Harkewal Singh. It was therefore established that suit property was not ancestral.

12. Moreover, once Mutation has already been sanctioned on the basis of the registered Will; and the Will has not been disputed, it cannot be said that the Will is required to be proved by examining one attesting witness.



13. Even otherwise, plaintiffs have miserably failed to prove that suit land was ancestral coparcenary in nature. Not one bit of evidence has been led by the plaintiffs to establish the ancestral nature of the suit property. Despite repeated Court queries, learned counsel for the appellant has been unable to inform as to what exhibits were the fard jamabandis stated to have been produced by the appellant for 3 generations. However, despite repeated Court queries, learned counsel for the appellant has been unable to inform the exhibited numbers of the said alleged fard jamabandi. Rather the record reveals that the only evidence adduced by the plaintiffs was Power of Attorney Ex.P1 executed by Baljit Kaur/plaintiff No.1 in favour of plaintiff No.2 Harjit Kaur; and notarized copy of her passport Ex.P3; and notarized copy of passport of Baljit Kaur/plaintiff No.1 Ex.P2; Jamabandi and pedigree table had been produced as Ex.P4 to Ex.P6. When confronted with specific query, learned counsel for the appellant has admitted that only one Jamabandi had been produced reflecting the ownership of Sukhdev Singh.

14. In view of the above undisputed facts, no ground is made out to interfere in the impugned judgments and decrees of the learned District Courts below. The present Regular Second Appeal is hereby **dismissed**.

15. Pending applications, if any, stand disposed of.

30.04.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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