

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****115****RSA-505-2023 (O&M)****Date of decision: 16.01.2026****Ranjit Singh****...Appellant(s)****Vs.****Amarjit Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amarjeet Singh Sidhu, Advocate and
Ms. Chandanpreet Kaur, Advocate for the appellant.

NIDHI GUPTA, J.

Defendant No. 2 is in second appeal against the concurrent judgments and decrees of the learned Courts below, whereby suit filed by the plaintiff/respondent No.1 herein for mandatory injunction directing the defendants to handover the vacant, peaceful, actual and physical possession of the suit property as described in the plaint; **and** for permanent injunction, has been decreed; and defendants have been *"directed to hand over the vacant peaceful, actual and physical possession of the residential house comprised in Khasra no.3/3, Khasra no.313(6-5) out of which 9/125 share i.e. area 250 sq. yards situated at village Alipur Arian, Tehsil & District Patiala to the plaintiff as per registered sale deed vide Vasika no.533 dated 10.04.2003, to the plaintiff, within the period of two months, failing which the plaintiff will be entitled to get the possession of the suit property through the process of the court."*



2. It is *inter alia* submitted by learned counsel for the appellant/defendant No.2 that the appellant and the plaintiff/respondent No.1 herein are real brothers and sons of defendant No.1-Joginder Singh. It is contended that the plot on which the house is constructed, was bought by Joginder Singh out of his own funds. Even the house upon the plot was constructed by the defendants out of their own funds. It is contended that accordingly, the plaintiff and the appellant being sons of Joginder Singh, were entitled to 50% share in the suit property upon the death of Joginder Singh. In fact, Joginder Singh had examined himself as DW1 and had reiterated in his evidence the averments made by him in the written statement to the effect that the suit property was not bought jointly by the plaintiff and defendant No.1; and that defendant No.1 had constructed house on the plot which had been purchased by defendant No.1/Joginder Singh with his own source of income. It is submitted that defendant No.1 has even categorically stated that plaintiff had not spent even a single penny on the purchase of land and it was defendants who had constructed house over the said plot where they were residing. The defendants had led sufficient cogent evidence in the form of Copy of voter card Ex.D1, Copy of Adhar Card Ex.D2, Copy of driving license Ex.D3, Copy of electricity bills Ex.D4 to Ex.D15. Thereafter, learned Counsel for defendants tendered copy of Judgement and decree dated 17.02.2011 as Mark AC and Mark AD, certified copy of order dated 31.10.2013 Ex.D17, certified copy of statement of Sh. Surjit Rai, Adv., as Ex.D18 to prove their case. However, all of the said evidence has been wrongly



read/misinterpreted by the learned Courts below, which has caused great injustice to the appellant. The plaintiff had not led any strong or cogent evidence to prove his case. As such, suit of the plaintiff could not have been decreed.

3. It is accordingly prayed that the present appeal be allowed; and the impugned judgments and decrees of the Courts below be set aside.

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

5. It is proven finding of fact on record that the plaintiff, alongwith his father defendant No.1/Joginder Singh had jointly purchased plot measuring 450 sq.yds vide registered Sale Deed No. 533 dated 10.04.2003 registered in the office of Sub Registrar, Patiala from Gurnam Singh for valuable sale consideration. It was proved that plaintiff had purchased 250 sq.yds. of the said plot; and 200 sq.yds. of the said plot was purchased by defendant No.1. Thus, plaintiff had 5/9 share in the suit property and defendant No.1 had 4/9 share. It had been pleaded by the plaintiff that defendant No.1 had sold his share of 200 sq.yds. to some person and had started residing with the plaintiff in the 250 sq.yds. share of the plaintiff. Plaintiff had duly proved on record that he is owner of the suit property to the extent of 250 sq.yds. by producing registered Sale Deed dated 10.04.2003 Ex.PW3/A and by examining himself as PW1.



Plaintiff had also proved his case by examining Registry Clerk Parveen as PW3 who had stated that suit property of 450 sq.yds. had been purchased by the plaintiff alongwith defendant No.1 through registered Sale Deed. The Halqa Patwari had appeared as PW2 and proved on record that share of defendant No.1 in the suit property was to the extent of 200 sq.yds., which had been sold by him to one Satbir Singh in whose favour, mutation has been done. It has also come on record that the said witnesses had been cross-examined at length, but their testimonies could not be shaken. Needless to say, unlike the appellant, the plaintiff had registered Sale Deed in his favour. Being a registered document, presumption of truth is also attached to the same. On the other hand, appellant was unable to prove his ownership over the suit property. Appellant produced no title document to show as to how he was claiming ownership over the suit property. Accordingly, the Courts below have found the possession of defendants on the property in question was not as owners but was without consent; and, therefore, the plaintiff was entitled to possession and decree of mandatory injunction was granted.

6. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings, and legal position.

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



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

16.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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