

2026.PHHC:002213



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

RSA-989-2023 (O&M)
Date of Decision:15.01.2026

JASWANT SINGH & ORS.

...Appellants

Versus

CHANDGI & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Sandeep Singh Ghangas, Advocate
for the appellants.

VIKRAM AGGARWAL, J.

CM-3804-C-2023

Prayer in the present application preferred under Section 5 of the limitation Act 1963 is for condonation of delay of 72 days in filing the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 72 days in filing the appeal is condoned.

RSA-989-2023

This is defendants' appeal against the judgment and decree dated 23.08.2022 passed by the Court of Additional District Judge, Panipat, dismissing the appeal against the judgment and decree

dated 04.03.2020 passed by the Court of Additional Civil Judge (Sr. Division), Panipat, vide which the suit of the plaintiff was decreed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiffs (Chandgi & Others) instituted a suit for permanent injunction against the defendants (Jaswant Singh & Others) restraining them from interfering in the peaceful possession of the plaintiffs over agricultural land measuring 6 Kanal 15 Marlas (fully described in the plaint) situated at Village Jurana, Tehsil Israna, District Panipat (hereinafter referred to 'as the suit property') and from restraining them from dispossessing the plaintiffs from the same.

4. The case set up by the plaintiffs was that they were in cultivating possession over the suit property since the time of their ancestors as 'Gair Marusiyan'. It was claimed that Surta had expired in 1988 and plaintiffs No.2 to 4 being his sons, had succeeded to the suit property. It was further claimed that Munshi had also expired 3 years prior to the filing of the suit and plaintiffs No.5 and 6, being his sons, had become owners in possession of their respective shares and had been cultivating the same peacefully and continuously. It was claimed that on 24.05.2015, the defendants had come to the spot and had tried to interfere in their peaceful possession as a result of which, the suit was instituted.

5. The suit was opposed by the defendants. A joint written statement was filed. Preliminary objections regarding maintainability, locus standi etc. were raised. On merits, it was alleged that Chandgi,

Surta and Munshi were not in cultivating possession of the suit property as Gair Marusiyan nor had they been in possession of the suit property in any capacity at any time and it was the defendants, who were the owners of the suit land since the time of their forefathers. It was also alleged that the suit land was being irrigated by canal water. It was averred that the entries in the revenue record were wrong and an application for correction of Khasra Girdawari had been moved by the defendants, which was pending. All other averments were denied.

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

“1. Whether the plaintiff is entitled to a decree for permanent injunction restraining the defendants forever from interfering in the peaceful possession of the plaintiffs over the agricultural land, detailed and described in the headnote of the plaint, situated at Village Kurana, Tehsil Israna, District Panipat vide jamabandi for the year 2007-2008?OPP

2. Whether the suit of the plaintiffs is not maintainable in the present form? OPD

3. Whether the plaintiffs have no locus standi to file the present suit? OPD

4. Whether the plaintiffs have concealed the true and material facts from the Court? OPD

5. Whether the plaintiffs have no cause of action to file the present suit?OPD

6. Relief.”

7. Parties led their respective evidence.

8. The trial Court decreed the suit vide judgment and decree dated 04.03.2020. The appeal filed by the defendants was dismissed vide judgment and decree dated 23.08.2022 passed by the First Appellate Court.

9. Learned counsel for the appellants has strenuously urged that both Courts have erred in decreeing the suit filed by the plaintiffs, despite the fact that they have no right over the suit property. However, on a specific query having been put by the Court, learned counsel for the appellants could not deny the fact that in the revenue record, the plaintiffs are being reflected as 'Gair Marusiyan'.

10. I have considered the submissions made by learned counsel for the appellants, but find the same to be devoid of merit.

11. Concededly, the plaintiffs were found to be in possession of the suit property and the said possession is duly reflected in the revenue record produced as Exhibits.P-1 to P-4 and P-6 to P-8 (copies of Jamabandis).

12. Both Courts held that since the plaintiffs were in possession of the suit property as 'Gair Marusiyan', they could not be evicted except in due course of law. In the considered opinion of this Court, there is no illegality in the said finding and once the plaintiffs were found to be in possession of the suit property as 'Gair Marusiyan' they cannot be evicted except in due course of law.

13. In view of the aforesaid, no fault can be found in the impugned judgments and decrees. The appeal is, therefore, found to be devoid of merit and is accordingly dismissed.

Pending application(s), if any, shall stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

15.01.2026
Himanshu

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