

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-3669-2019 (O&M)****Date of Decision : 28.01.2026**

Matadeen and Ors

... Appellants

Versus

Singh Ram (deceased) through his LRs and Ors

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Chanderhas Yadav, Advocate for the appellants.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the plaintiff-appellants challenging the judgment and decree dated 30.09.2015 passed by the Trial Court and the judgment and decree dated 10.12.2018 passed by the First Appellate Court.

2. Briefly the facts relevant to the present *lis* are that the plaintiff-appellants herein filed a simpliciter suit for injunction claiming that they are owners in possession of the suit property as fully described in the plaint. It was the case set up by the plaintiff-appellants that they are in possession of the suit property since the time of consolidation (*Chakbandi*). It was further the case set up that the defendant-respondents have no right, title or interest in the suit property and that they are trying to obtain possession of the suit property. The suit was contested by the defendant-respondents who set up the claim that the suit property came to their share vide decision dated 16.06.1963 and that they are in possession of 01 Kanal 17 Marla since the time of

consolidation.

3. On the basis of pleadings of the parties the following issues were framed :

1. Whether the impugned proceedings of consolidation dated 16.06.1963 are void against the rights of plaintiff ? OPP
2. Whether plaintiffs are in exclusive possession of the suit land ? OPP
3. Whether suit is maintainable ? OPP
4. Whether civil court jurisdiction is barred ? OPD
5. Relief, cost, special cost.

4. The Trial Court vide judgment and decree dated 30.09.2015 dismissed the suit. Aggrieved by the same an appeal was preferred, which appeal was also dismissed vide judgment and decree dated 10.12.2018. Hence, the present regular second appeal.

5. Learned counsel for the plaintiff-appellants would contend that the plaintiff-appellants have been in possession of the suit property and that the decision dated 16.06.1963 was never acted upon nor possession was delivered to the defendant-respondents and that the defendant-respondents are now trying to dispossess the plaintiff-appellants only on the basis of decision dated 16.06.1963.

6. Heard.

7. In the present case the suit is simpliciter for permanent injunction. A perusal of the judgments and decrees passed by both the Courts reveals that Ex.P25 reveals that Singh Ram (defendant-respondent No.1) and others were owners of the suit property and Chander etc. were cultivating the land. The change in ownership has been made according to decision dated

16.06.1963 and possession and ownership had changed according to Ex.D1. Further Ex.D5, which is a certified copy of the judgment in contempt petition No.RT-42 of 2009, reveals that Sh. Bhagwan (AW1) admitted the possession of Raju @ Raj Kumar, Sunil Kumar both sons of Chandgi Ram son of Singh Ram and Chandgi Ram son of Singh Ram and that they were in possession of the suit property for the last 8 to 10 years. AW3 Rakesh also admitted the existence of *Chhapar* of the defendant-respondents since the last 10 to 12 years. There is no cogent evidence forthcoming nor learned counsel for the plaintiff-appellants has been able to point out to any evidence on the record to even remotely suggest that the plaintiff-appellants were in possession of the suit property. In the absence of any cogent and reliable evidence to even remotely suggest that the plaintiff-appellants were in possession of the suit property, no fault can be found with the judgments and decrees passed by both the Courts.

8. In view of the above, I do not find any merits in the present appeal. No question of law, much less any substantial question of law, arises in the present case. The appeal, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

28.01.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO