

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

1.

RSA-675-2023 (O&M)
Date of Decision:06.04.2026

SAT NARAIN

... Appellant

Versus

RANBIR AND OTHERS

... Respondent(s)

2.

RSA-895-2023 (O&M)
Date of Decision:06.04.2026

SAT NARAIN

... Appellant

Versus

RANBIR AND OTHERS

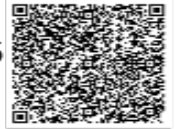
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Parminder Singh, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

1. This consolidated judgment shall govern the disposal of the above-captioned Regular Second Appeals (hereinafter referred to as ‘RSAs’), which arise from a common factual matrix and involve identical questions of law. In view of the identity of parties, the coextensive nature of the impugned judgments and decrees, and the consensus expressed by the learned counsel for the appellant(s), these appeals are being adjudicated collectively. This approach is adopted to subserve the interests

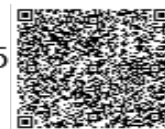


of judicial economy, to ensure uniformity in legal interpretation, and to maintain procedural efficacy.

1.1. With the concurrence of the learned counsel, the factual substratum for this consolidated order has been meticulously extracted from the records of both appeals to present a coherent and exhaustive account of the material facts. While the specific nuances of each appeal may vary, the delineated facts are adopted as the representative foundation for a comprehensive and uniform determination of the *lis* between the parties.

2. The present RSAs have been preferred to assail the common judgment and decree dated 06.02.2023 rendered by the learned First Appellate Court, whereby the appeal directed against the judgment and decree passed by the learned Civil Judge (Junior Division), Panipat, were dismissed. The learned trial Court, by way of the aforementioned decree, had adjudicated upon both the civil suit instituted by the appellant and the counter-claim preferred by the respondent-defendants.

3. The genesis of the dispute lies in a suit for permanent injunction instituted by the appellant-plaintiff, seeking to restrain the defendants from interfering with his peaceful possession and from alienating the suit property. The plaintiff's assertion of right is predicated on an alleged oral family settlement purportedly entered into in the year 1990 to resolve burgeoning familial disputes. It is the case of the plaintiff that under this arrangement, the agricultural land was partitioned equally between himself and defendant No.1 (his brother), while a specific plot measuring 141 square yards was allotted to the plaintiff. He asserts having raised a residential construction thereon and obtained an independent



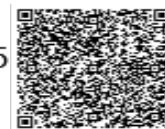
electricity connection, thereby exercising exclusive ownership and possessory rights over the property since the date of the said partition.

4. Upon service of notice, the defendants entered appearance, with defendants No. 6 and 7 being proceeded against *ex-parte*. The remaining defendants filed a joint written statement, categorically traversing the averments of the plaint and stoutly denying the existence of any such family settlement. By way of a counter-claim, the defendants asserted that the entire suit property was the self-acquired property of late Shri Jail Singh. It is contended that the decedent had executed a valid, registered Will dated 28.05.2013 in favor of defendant-Bharpo Devi, by virtue of which she translated into the absolute and exclusive owner of the estate upon his demise, to the exclusion of all other claimants.

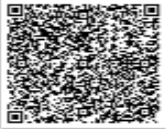
5. The appellant-plaintiff categorically traversed the assertions contained in the written statement and the counter-claim by way of a replication and a formal reply, respectively. In doing so, the appellant denied the material allegations leveled by the respondents and reiterated the veracity of the averments set forth in the plaint.

5.1. Consequently, upon a comprehensive and meticulous scrutiny of the pleadings on record, and having regard to the rival contentions advanced by the respective parties, the learned trial Court deemed it imperative to crystallize the points of controversy. To facilitate a systematic and legally coherent adjudication of the *lis*, the Court proceeded to settle and frame the following issues for determination:-

1. Whether the plaintiff is entitled to a decree for Permanent Injunction restraining the defendants forever from dispossessing or interfering in the peaceful possession of the plaintiff? OPP



2. Whether the present suit is not legally maintainable? OPD
 3. Whether the plaintiff has no locus standi and cause of action to file the present suit? OPD
 4. Whether the plaintiff has not come to court with clean hands and has concealed the true and martial facts of the case? OPD
 5. Relief
6. Pursuant to the settlement of issues, both parties were afforded an exhaustive opportunity to adduce their respective evidence. Upon a comprehensive evaluation of the evidentiary material and having heard the arguments advanced, the learned Civil Judge proceeded to dismiss the civil suit instituted by the appellant, while concurrently allowing the counter-claim preferred by the defendants. Being aggrieved by the said judgment and decree, a consolidated appeal was preferred, which subsequently met with dismissal at the hands of the learned Additional District Judge, Panipat.
- 6.1. Dissatisfied with the concurrent findings of the courts below, the appellant has moved this Court by way of two separate regular second appeals.
7. I have heard the learned counsel for the appellant at considerable length and have bestowed anxious and thoughtful consideration upon the submissions advanced, viewed through the prism of the pleadings, the evidentiary record, and the concurrent findings returned by the courts below.
8. The gravamen of the appellant-plaintiff's claim rests upon an alleged oral family settlement purportedly executed in the year 1990. However, both the courts below, upon a meticulous appreciation of the



evidence, have rightly concluded that the appellant failed to discharge the onus of proving the existence of any such settlement. The testimonies of the witnesses examined by the plaintiff were judiciously discarded, as they failed to specify even the month or date of the alleged transaction. Furthermore, the plaint itself is conspicuously silent regarding the temporal particulars of the settlement, and there is a total dearth of evidence to suggest that such an arrangement was ever acted upon by the parties.

9. In the absence of any documentary evidence establishing the appellant's exclusive possessory title as an owner, the courts below correctly held that the registered Will executed by late Shri Jail Singh stood duly proved through the testimonies of the attesting witnesses. Consequently, defendant No. 3, Smt. Bharpo Devi, is found to be the absolute owner in possession of the suit property. Finding the impugned judgments to be legally sound and devoid of any perversity, these appeals, being meritless, are hereby **dismissed**.

10. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, shall stand disposed of as having been rendered infructuous. No further orders are necessitated in this regard.

11. A photocopy of this order be placed on the record of the connected matter for ready reference and compliance.

06.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No