



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-944-1995 (O&M)

Tek Chand and others

. . . . Appellants

Vs.

Gurdial Chand and others

. . . . Respondents

Reserved on: 25.02.2026

Pronounced on: 05.03.2026

Pronounced Fully/Operative Part: Fully

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rajesh Bhateja, Advocate, for appellants No.1, 2 & 4.

Mr. R.K. Arya, Advocate, for the respondents.

DEEPAK GUPTA, J.

The present Regular Second Appeal has been preferred by four out of six original defendants challenging the concurrent findings recorded by the Courts below, whereby the suit for permanent injunction filed by plaintiff–Gurdial Chand was decreed by the learned trial Court on 03.11.1993, and the said decree was affirmed by the learned first Appellate Court vide judgment dated 13.02.1995.

2. The record reveals that the suit property measuring 34 kanal 5 marla situated in the revenue estate of Village Pakhowal Kothian, Tehsil and District Gurdaspur is admittedly owned by the Central Government. The plaintiff, however, claimed to be in cultivating possession of the said land as a tenant for a considerable period and, alleging interference by the defendants, instituted the suit seeking protection of his possession by way of permanent injunction.

3. The defendants contested the suit by denying the possession of the plaintiff and asserting their own possession over the suit property.

4. Both the Courts below, upon appreciation of oral as well as documentary evidence, recorded a concurrent finding that the plaintiff continued to be reflected in possession in the revenue record up to the crop of Rabi 1990, whereas entries showing possession of the defendants surfaced only from Kharif 1990 onwards. The Courts below further observed that there was no satisfactory explanation or supporting material justifying the sudden change in khasra girdawari entries in favour of the defendants after a long period of entries recording possession of the plaintiff. On that basis, the suit was decreed and the decree was affirmed in appeal.

5. Assailing the concurrent findings, learned counsel for the appellants contends that once the revenue record from Kharif 1990 reflected possession of the defendants, the Courts below erred in granting injunction in favour of the plaintiff. It is argued that the findings suffer from misreading of revenue entries and warrant interference.

6. *Per contra*, learned counsel for the respondent-plaintiff submits that the findings recorded are purely factual, based on consistent revenue entries and appreciation of evidence, and therefore, no substantial question of law arises for consideration in the present appeal.

7. Having considered the rival submissions and perused the record, this Court finds no merit in the appeal.

8. It is a settled principle that in a suit for injunction simpliciter relating to immovable property, the determinative factor is possession of the parties on the date of institution of the suit. The record demonstrates that the suit was instituted on 12.10.1989, at which time the revenue entries up to Rabi 1990 continued to record possession of the plaintiff. Entries relating to Rabi crop are ordinarily prepared in the months of February–March, whereas entries for Kharif crop are made in September–October. Consequently, the subsequent entries reflecting possession of the defendants from Kharif 1990 cannot displace the position of possession as it existed on the date of institution of the suit.

9. Khasra girdawari entries, though not conclusive proof of title, carry significant evidentiary value regarding possession, particularly when they exhibit continuity over a long period. A sudden change in such entries, unsupported by cogent material or lawful process, cannot by itself be treated as proof of actual change of possession. The Courts below have rightly scrutinized this aspect and have recorded a finding that the alteration in entries lacked justification.
10. The Courts below have also taken note of the conduct of the defendants in instituting a separate suit after grant of injunction in favour of the plaintiff, while concealing the earlier injunction order and securing an ex parte order, which was subsequently vacated on 23.08.1990. Such conduct lends further support to the inference that the defendants attempted to disturb the settled possession of the plaintiff, rather than establish lawful possession.
11. The findings recorded by both Courts below are thus based on proper appreciation of revenue record, surrounding circumstances, and conduct of the parties. No perversity, misreading of evidence, or legal infirmity has been demonstrated so as to warrant interference in the limited jurisdiction of this Court under Section 100 CPC. The appeal essentially seeks re-appreciation of evidence, which is impermissible in second appellate jurisdiction in the absence of a substantial question of law.
12. Accordingly, finding no substantial question of law arising for consideration, the present appeal is dismissed.

(DEEPAK GUPTA)
JUDGE

05.03.2026
Vivek

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>

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