



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

(108)

RSA-1804-2019 (O&M)
Date of Decision: **29.04.2026**

SARDARA SINGH

... Appellant

Versus

GRAM PANCHAYAT OF VILLAGE BELA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

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

Mr. I.S. Kingra, Sr. DAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as “RSA”) has been instituted by the appellant–plaintiff assailing the judgment and decree dated 18.12.2018 passed by the learned Additional District Judge, Rupnagar, whereby the appeal preferred by the respondent was allowed and the judgment and decree dated 18.09.2017 rendered by the learned Civil Judge (Junior Division), Rupnagar was set aside.

2. A concise recital of the material facts reveals that the appellant–plaintiff instituted a suit for permanent injunction seeking to restrain the respondent from illegally encroaching upon or dispossessing him from the peaceful possession of plot No.22, delineated as ‘ABCD’ in the site plan annexed with the plaint, measuring 12 marlas 8 sarsahi, situated within the abadi of village Bela. The claim is founded on the



assertion that the appellant–plaintiff had purchased the suit property from Jawant Singh vide sale deed dated 15.09.1993, who, in turn, had acquired the same through an open auction held on 17.09.1964.

2.1. It is further pleaded that prior to the purchase, the property was duly demarcated on 13.03.1993, and upon execution of the sale deed, possession was delivered to the appellant–plaintiff, who has since remained in continuous and peaceful possession thereof. It is also averred that out of the land so purchased, a portion measuring 14 marlas situated on the western side was subsequently sold to one Meena Sharma. The cause of action arose when the defendants allegedly attempted to forcibly dispossess the plaintiff from the remaining suit property.

3. Upon service of summons, the defendants entered appearance and filed a written statement, raising preliminary objections regarding the maintainability of the suit, the jurisdiction of the Civil Court, and disputing the correctness of the site plan. It was further asserted that the suit property had been demarcated at the instance of the Gram Panchayat, which was claimed to be the owner in possession thereof.

4. The plaintiff filed a replication, wherein the averments made in the written statement were specifically denied and those contained in the plaint were reiterated and affirmed. Upon a comprehensive consideration of the pleadings and the rival submissions of the parties, the learned trial Court crystallized the issues in controversy and, for the purpose of a structured and effective adjudication, framed the following issues for determination:-

1. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for? OPP



2. Whether the suit is not maintainable in the present form? OPD
 3. Whether the civil Court has got no jurisdiction to try and decide the present suit ? OPD
 4. Whether jurisdiction of civil Court is barred under Punjab Village Common Land Act ? OPD
 5. Whether the suit is barred on account of Provisions of Evacuee Property Act ? OPD
 6. Whether the suit is bad for non-serving of notice under Section 80 of CPC? OPD
 7. Whether the plaintiff has not come to the Court with clean hands and concealed the material facts from the Court? OPD
 8. Relief
5. Upon the framing of issues, both parties were afforded full and adequate opportunity to adduce evidence in support of their respective claims. After hearing learned counsel for the parties and upon due appreciation of the material on record, the learned trial Court decreed the suit of the plaintiff vide judgment and decree dated 18.09.2017. However, the said judgment and decree were subsequently set aside by the learned First Appellate Court. Aggrieved by the reversal of the decree, the appellant–plaintiff has instituted the present RSA.
6. I have heard learned counsel for the parties at considerable length and have given my anxious and thoughtful consideration to their respective submissions, in the light of the pleadings, the evidence adduced on record, and the findings returned by the Courts below.
7. The learned First Appellate Court has, upon a meticulous appraisal of the evidence on record, rightly held that the site plan Ex.P9 was neither duly proved nor legally admissible in evidence. The said



document, which constitutes the foundational basis of the appellant–plaintiff’s claim of possession over the portion delineated as ‘ABCD’, was merely tendered through the attorney of the plaintiff without examining its author. Significantly, the site plan itself does not clearly demarcate or identify any portion marked as ‘ABCD’, thereby rendering it inherently unreliable.

7.1. The non-examination of the draftsman, namely Karnail Singh, who purportedly prepared the site plan, has rightly led the learned First Appellate Court to draw an adverse inference against the appellant–plaintiff. Furthermore, the plaintiff himself abstained from entering the witness box, thereby depriving the Court of direct testimony in support of his claim.

7.2. The sale deed dated 15.03.1993 (Ex.P1), relied upon by the plaintiff, pertains to plot No.22 measuring 1 kanal 6 marlas 8 sarsahi; however, the recitals therein explicitly acknowledge that any portion of land falling within the road of the PWD-Department would not entitle the plaintiff to compensation, and such compensation, if any, would accrue to Sardar Singh. Moreover, Bhupinder Singh (PW-4), the attorney of the plaintiff, has categorically admitted that no land belonging to the plaintiff exists between the Bela–Ropar Road and Khasra Nos.180/1 and 180/2, which stand recorded in the ownership of the Gram Panchayat. This admission conclusively undermines the claim of the appellant–plaintiff regarding the existence of the suit property at the asserted location.

8. The learned First Appellate Court has also rightly placed reliance upon the demarcation report Ex.D1, which stands corroborated by



the testimony of PW-3 Balbir Singh, Lambardar, who admitted the correctness of the demarcation proceedings and affirmed that no land of the plaintiff exists between the Bela–Ropar Road and Khasra Nos.180/1 and 180/2 on the northern side.

8.1. It is further evident that the learned trial Court recorded internally inconsistent findings. While observing in paragraph 12 of its judgment that the property described in the sale deed Ex.P1 and supporting documents Ex.P3 to Ex.P5 lacks precise boundaries and cannot be located with certainty, and further acknowledging that the land of the Gram Panchayat comprised in Khasra Nos.180/1 and 180/2 directly abuts the road as per Jamabandi Ex.D5 (2012–13) and demarcation report Ex.D3, the learned trial Court nonetheless proceeded to decree the suit without any cogent basis.

8.2. In contrast, the findings recorded by the learned First Appellate Court are founded upon a correct, comprehensive, and legally sound appreciation of the pleadings and evidence on record, and do not suffer from any illegality, perversity, or material irregularity warranting interference in second appeal. Consequently, the present appeal, being devoid of merit, is liable to be **dismissed**.

9. In view of the final adjudication of the principal controversy, all pending miscellaneous applications, if any, shall stand disposed of by necessary implication. No further orders are required in that regard.

(**VIRINDER AGGARWAL**)
JUDGE

29.04.2026
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No