



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

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RSA-2833-1996
Date of decision :11.02.2026

SADHU SINGH & OTHERS**... APPELLANTS****VERSUS****SUKHDEV SINGH & OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. M.S. Sidhu, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

1. The appellants–plaintiffs are aggrieved by the judgment and decree dated 01.06.1993 passed by the learned Sub Judge, IInd Class, Mansa, as well as the judgment and decree dated 18.12.1995 passed by the learned Additional District Judge, Mansa, whereby the suit for possession as well as the appeal preferred by the plaintiffs-appellants were dismissed by the Courts below.

2. In their suit for possession, the appellants-plaintiffs claimed themselves to be successors of Darbara Singh, who was originally owner of the land in dispute being co-sharer to the extent of 1/8th share in land comprised in Khasra No. 940 (13-11). It is stated that the suit property measuring 12 karam × 25 karam out of the said Khasra number was forcibly taken over by the defendants during the pendency of their suit for permanent injunction. They accordingly sought possession of the suit property.

3. The defendants filed written statement seeking dismissal of the suit.



It was asserted that the entries in the jamabandi in favour of the appellants-plaintiffs with respect to suit property are wrong and against the facts. It was further pleaded that different owners have constructed about 70 houses on the suit land and are residing in their respective houses for the last more than 15 years. It was also asserted that the defendants have constructed their houses/factory after spending a huge amount of money. It was pleaded that earlier the appellants-plaintiffs had filed a suit, which was withdrawn by them. The ownership of the appellants-plaintiffs over Khasra No. 940 (13-11) was also denied. It was further asserted that the real owners of the suit property had sold the same to defendant No. 3 vide sale deed No. 3948 dated 26.12.1986, from whom property was purchased by them vide sale deeds dated 23.02.1972 and 19.02.1974. It was also pleaded that the property claimed by the appellants-plaintiffs and that claimed by the respondents-defendants are different and that, in the garb of revenue entries, the appellants-plaintiffs are trying to dispossess the defendants from their property.

4. From the pleadings of the parties, the following issues were framed:—

- 1) *Whether Darbara Singh deceased was the owner to the extent of 1/6 share in khasra number 940 (13-11) i.e. the plot in dispute? OPP.*
- 2) *Whether the defendants have made illegal encroachment upon the property in dispute? OPP.*
- 3) *Whether the plaintiffs are entitled to a decree for possession of the plot in dispute? OPP.*
- 4) *Whether the plaintiffs have no locus-standi and cause of action to file the present suit? OPD.*



- 5) *Whether the suit is within limitation? OPP.*
- 6) *Whether the suit has not been properly valued for the purpose of court fee and jurisdiction? OPD.*
- 7) *Whether the suit is bad for non-joinder of necessary parties? OPD.*
- 8) *Whether the defendants are entitled to special costs under section 35-A CPC? OPD.*
- 9) *Whether the defendant No. 3 is the bonafide purchaser for consideration? OP Defendant No. 3.*
- 10) *whether the suit is barred under order 23 Rule 1 CPC? OPD.*
- 11) *Whether the defendant No. 2 is bonafide purchaser for consideration? OP Deft. No. 2.*
- 12) *whether the plaintiffs are estopped to file the present suit by their act and conduct? OPD.*
- 13) *Relief.”*

5. Both the Courts below have found that although the appellants-plaintiffs have succeeded in proving that they have 1/8th share in Khasra No. 940 (13-11) but have failed to prove that the property, possession of which is being sought from the defendants, forms part of Khasra No. 940. Accordingly, the suit was dismissed on account of the failure of the appellants-plaintiffs to connect and establish that the suit property is part of Khasra No. 940.

6. The same question was put to the learned counsel for the appellants-plaintiffs by this Court. However, learned counsel for the appellants-plaintiffs has failed to explain or assail the findings recorded by the Courts below, and there is no material on record to conclude that the suit property is part of Khasra No. 940 (13-11), which is stated to be owned by the appellants-plaintiffs. It is worth noticing that the suit filed by the appellants-plaintiffs was dismissed on



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01.06.1993; however, no effort was made either before the First Appellate Court or before this Court to get the property demarcated. Without showing that suit property is part of khasra No. 940, plaintiffs-appellants cannot succeed in getting possession.

7. In view of the above, there is no merit in the appeal filed by the appellants-plaintiffs. The concurrent findings of fact recorded by the learned Courts below do not call for interference. The appeal, being devoid of merit, is accordingly dismissed.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

11.02.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No