



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

(109)

RSA-1304-2021 (O&M)
Date of Decision:-**12.02.2026**

BKSHISH SINGH

... Appellant

Versus

MANOHAR LAL

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Chetan Bansal, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (here-in-after referred to as “RSA”) has been instituted assailing the concurrent findings recorded by the Courts below, whereby the judgment and decree dated 24.08.2016 passed by the learned Civil Judge were affirmed by the learned District Judge, Hoshiarpur, vide judgment and decree dated 19.11.2020.

2. Briefly stated, the respondent/plaintiff instituted a suit for permanent injunction seeking to restrain the appellant/defendant from interfering with the suit land and from discharging rainwater thereupon. It was pleaded that the suit land had fallen to the share of the respondent/plaintiff in a partition and was owned and possessed by him. The appellant/defendant, with the alleged intention of causing damage, sought to channel rainwater towards the plaintiff’s land and to encroach upon the same, necessitating the institution of the suit.



3. The appellant/defendant contested the suit by filing a written statement denying the material averments of the plaint. It was pleaded that the mutation of partition had been sanctioned behind his back. It was further alleged that the respondent/plaintiff had concealed the fact that the father of the plaintiffs and others had donated the entire property to a Satsang Ghar, which is being managed by the appellant/defendant. According to the appellant/defendant, it is the respondent/plaintiff who is attempting to encroach upon the passage leading to the said Satsang Ghar.

4. The respondent/plaintiff filed a replication, wherein the assertions and objections raised in the written statement were specifically denied, and the averments contained in the plaint were reiterated and reaffirmed. Upon a careful and comprehensive examination of the pleadings and the rival contentions advanced by the parties, the learned trial Court crystallized the matters in controversy and, for the purpose of proper and effective adjudication, framed the following issues for determination:-

1. Whether plaintiff is entitled to relief of Permanent Injunction as prayed for? OPP
2. Whether suit of plaintiff is not maintainable? OPD
3. Whether the entire property has been donated to the Guru Nanak Mission Ruhani Satsang Ghar by the father of plaintiff vide Pundan Patar dated 28.12.1999? OPD
4. Whether suit is bad for non-joinder of necessary parties? OPD
5. Relief.

5. Pursuant to the framing of issues, both parties were afforded full and adequate opportunity to adduce evidence in support of



their respective cases. Upon an appraisal of the entire material on record, the learned trial Court decreed the suit, having returned a categorical finding that the respondent/plaintiff is the owner in possession of the suit land; that no proper drainage exists from the land of the defendant; and that the respondent/plaintiff was under a genuine threat from the appellant/defendant with regard to the discharge of water through his land.

6. Aggrieved thereby, the appellant/defendant preferred an appeal; however, the learned First Appellate Court affirmed the findings recorded by the trial Court and dismissed the appeal.

6.1 Challenging the aforesaid judgments and decrees, the present Regular Second Appeal has been filed.

7. Learned counsel for the appellant/defendant has contended that both the Courts below have failed to properly appreciate the evidence on record. It is argued that no site plan depicting the flow of water in the disputed khasra number has been placed on record and that the Courts have completely ignored the gift deed dated 28.12.1999 (Ex. D2).

8. I have heard learned counsel for the appellant and have carefully perused the paper-book as well as the judgments rendered by both the Courts below.

9. The learned First Appellate Court has rightly held that the respondent/plaintiff has established his ownership and possession over the suit land on the basis of partition proceedings. The copy of Sanad Taksim prepared by the Assistant Collector Ist Grade, Hoshiarpur (Ex. P1), along with *Rojnamcha* entry (Ex. P2), evidences that possession was delivered in terms of the partition. Mutation No. 1453 was duly sanctioned, and the orders passed in appeal were also brought on record. Further, the



Jamabandi for the year 2010–11 (Ex. P6) and Khasra Girdawari (Ex.P7) and Aks Shizra (Ex. P8) clearly reflect that respondent/plaintiff Manohar Lal was recorded as owner in possession of the suit land.

9.1. It has been admitted by DW2 in cross-examination that there is no proper drainage of water towards the land of the Satsang Ghar. DW1 Hazara Singh has also made a similar admission. In view thereof, the contention regarding misreading of evidence is untenable. The findings have been recorded upon due and proper appreciation of the pleadings and evidence on record. As regards the gift deed/donation instrument dated 28.12.1999, no finding was recorded in the present proceedings as the said document forms the subject matter of a separate suit instituted by the appellant/defendant.

10. Finding no merit in the submissions advanced, the appeal deserves dismissal. It is also noteworthy that the matter was referred to mediation at the instance of the appellant, who had conceded, as reflected in the order dated 18.02.2026, that in the event mediation failed, he would not press the present appeal. In these circumstances as well, and finding no substance in the appeal, the same is hereby dismissed.

11. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, also stand disposed of. No further orders are required to be passed in that regard.

12.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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