

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****RSA-1618-2026 (O&M)****Date of decision: 29.04.2026****Satinder Singh****...Appellant(s)****Vs.****Jatinder Kaur****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Pranav Chadha, Advocate  
for the appellant.

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**NIDHI GUPTA, J.**

The defendant is in Second Appeal against the concurrent judgments and decrees of the learned District Courts, whereby suit filed by the plaintiff/respondent for declaration and permanent injunction, has been decreed by both the District Courts.

2. The present dispute is between father and daughter i.e. the appellant/defendant herein is the father of the plaintiff/respondent herein. Brief facts of the case are that the plaintiff had filed a Civil Suit seeking declaration that the plaintiff is the owner in joint possession to the extent of  $\frac{1}{2}$  share in the suit house as described in the plaint; **and** further declaration to the effect that the Mutation No. 23109 of inheritance of Harjit Kaur w/o Satinder Singh sanctioned in favour of the defendant alone is illegal, null, and void and the entries thereof need to be corrected; **and** consequential relief of permanent injunction.



3. It was the pleaded case of the plaintiff that suit property was previously owned by Harjit Kaur, mother of the plaintiff and wife of the appellant/defendant. It was pleaded in the plaint that Harjit Kaur was a Government Teacher in Kendriya Vidyalya and after purchasing the suit property, she has constructed the house thereupon. Harjit Kaur had died on 31.05.2006 leaving behind the plaintiff and defendant as her only class-1 heirs. Plaintiff was only 15 years old at the time of death of Harjit Kaur. Thereafter, defendant had performed second marriage in December, 2006 with Roopa @ Rupinder Kaur. In 2010, plaintiff had got married. In October 2018, plaintiff discovered that the defendant got sanctioned the Mutation of the suit property in his name alone to the exclusion of the plaintiff. It was alleged that defendant had prepared false pedigree table wherein Harjit Kaur was shown issueless. Thus, defendant had fraudulently got sanctioned Mutation No. 23109. Hence, present suit was filed on 09.10.2018.

4. It is to be noted that suit of the plaintiff came to be decreed/disposed of by both the District Courts under the provisions of Order 12 Rule 6 CPC in view of the admissions made by the appellant/defendant in his pleadings.

5. The record reveals that upon notice, defendant had appeared and filed written statement to the effect that the suit property was purchased by the defendant in the name of his first wife namely Harjit Kaur. The defendant has taken loan from HDFC Bank for construction of house over the suit property. Harjit Kaur was not having any independent



source of income and defendant has paid the sale consideration of the suit land. Defendant had admitted in his written statement that title of the property was in the name of his first wife and her having been deceased and that the plaintiff having been married, the defendant got the title deed transferred in his name for redemption of the same from HDFC. It was alleged in the written statement that for doing so, defendant had also got a verbal consent from plaintiff for the above said purpose. The defendant is legally ready to compensate the plaintiff qua her share in the said property.

6. During course of trial, plaintiff had moved an application under Order 12 Rule 6 CPC for passing of the judgment on the basis of the abovesaid admissions made by the defendant in his written statement. Learned District Courts have categorically recorded that in para 2 of the preliminary objections of his written statement, defendant had admitted that suit property was in the name of Harjit Kaur. In para 3 of the preliminary objections of the written statement, defendant has clearly admitted that plaintiff is daughter from his first marriage with deceased Harjit Kaur who had title over the suit property. In para 11 of the written statement, defendant has admitted share of the plaintiff in the suit property. It is categorically recorded in para 10 of the judgment dated 07.10.2024 passed by learned Civil Judge (Junior Division) Dera Bassi that *"Similar admissions have been made by the defendant in other Similar part of his written statement. Therefore, on the basis of above said admissions, the defendant has admitted the share of the plaintiff in the*



*suit property. These facts have also been admitted by the defendant in his reply to the instant application so filed by the plaintiff under Order 12 Rule 6 of CPC, 1908. Further the said facts are clearly established on the basis of revenue record produced by the plaintiff alongwith her pleadings and presumption of truth is attached with the said record. Thus, there are clear and unequivocal admissions made by the defendant in his pleadings making a clear-cut case for passing a Judgement as per the provisions of Order 12 Rule 6 CPC.” Hence suit of the plaintiff came to be decreed by the learned Civil Judge (Junior Division) Dera Bassi vide judgment and decree dated 07.10.2024 as follows:-*

*“11 Hence, after compounding the afore mentioned discussions in the light of unequivocal admissions made by the defendant and above cited case laws, the plaintiff, being daughter and class I heir of deceased Harjit Kaur, is declared to be the owner to the extent of ½ share in the suit property. Accordingly, mutation of inheritance of Harjit Kaur w/o Satinder Singh bearing no.23109 sanctioned in respect of the suit property in the name of defendant Satinder Singh alone is illegal null and void and the entries thereof in the name of defendant on the basis of said mutation are also illegal. null, void and are not binding on the rights of the plaintiff. Therefore, the defendant is restrained from selling, alienating, encumbering. causing damage or disposing off in any other manner the suit property Le House measuring 5 Marlas (22'x63'=154 Sq. Yards) comprising in Khasra no.10//12/2(1-9) now H.No.473, Preet Colony situated in the revenue estate of village Lohgarh, Tehsil Dera Bassi, Distt. SAS Nagar, detrimental to the interest of the plaintiff. Accordingly, the present suit is decreed in favour of the plaintiff and*



*against the defendant as per the provisions of Order 12 Rule 6 CPC, 1908. Application is accordingly allowed. Preliminary decree sheet be prepared accordingly.”*

7. Pursuant thereto, defendant had filed Civil Appeal before the learned Additional District Judge, SAS Nagar, Mohali which came to be dismissed vide judgment and decree dated 30.01.2026.

8. Hence, the present second appeal by the defendant.

9. Learned counsel for the appellant has admitted the aforesaid facts to be true. However, the only submission repeatedly made on behalf of the appellant before this Court is that as the dispute is between the father and daughter, and therefore, the same may be referred to Mediation.

10. I find no ground is made out to accede to the request of the appellant. The aforesaid facts have not been denied by the learned counsel for the appellant. Moreover, it may also be pointed out that the factum of the suit property being in the name of Harjit Kaur is also evident from the revenue record produced by the plaintiff alongwith her pleadings. Needless to say, presumption of truth is attached to revenue record; and the same has not been rebutted by the defendant.

11. Both the District Courts have therefore correctly observed that purpose for enactment of Order 12 Rule 6 CPC is to give plaintiff a right to speedy judgment. Under the said provision, in appropriate case, the party, on the basis of the admission made by other party, can press for judgment as a matter of legal right. In the present case, there are concurrent findings of fact that house in dispute was purchased by Harjit Kaur vide Sale Deed



dated 2471 dated 14.09.1999. Mutation regarding the same was also sanctioned in her name. Admittedly, plaintiff is the only daughter of defendant and Harjit Kaur. Thus, when plaintiff is admitted to being the only daughter of defendant and Harjit Kaur, she being class-1 legal heir, is also entitled to half share in the suit house. Rather, the appellant has attempted to illegally deprive the plaintiff of her legal right in the suit property. Even if appellant had contributed towards entire sale consideration still Harjit Kaur would remain absolute owner as registered Sale Deed was executed only in her favour. Even otherwise, learned counsel for the appellant has brought nothing to the notice of this Court that any part/entire sale consideration for the disputed house was paid by the appellant.

12. The record also reveals that at one stage, defendant had also sought to raise plea that he had been foul played by his Advocate who had substituted pages of the written statement in making the above noted admissions. However, the said allegation of the appellant was rejected as it remained unsubstantiated, and on the ground that defendant had not filed any application to this effect before the learned Trial Court. Appellant had even failed to initiate proceedings under Section 340 Cr.PC. against the said counsel. Even no complaint was filed by the appellant before the Bar Council nor before the concerned Court or before any other authority. Clearly therefore, the same is merely an afterthought.

13. Learned counsel for the appellant has earnestly urged this Court to refer the dispute to Mediation. However, keeping in view the unequivocal facts noted above, which are not disputed by learned counsel

for the appellant, this Court feels no ground is made out for entertaining the present Second Appeal. The present Regular Second Appeal stands **dismissed** being meritless.

14. Pending applications, if any, stand disposed of.

29.04.2026

Divyanshi

(NIDHI GUPTA)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |