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

RSA-1621-2022 (O&M)

Date of Decision : 27.01.2026

SATNAM SINGH @ SATPAL

.... Appellant

VERSUS

GURDIAL CHAND AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mandeep K. Saajan, Advocate and
Mr. Vikram K. Bishnoi, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present regular second appeal has been preferred by the plaintiff-appellant challenging the judgment and decree dated 27.01.2017 passed by the learned Trial Court and the judgment and decree dated 25.03.2022 passed by the learned First Appellate Court.

2. The brief facts relevant to the present *lis* are that the plaintiff-appellant herein filed the present suit for permanent injunction averring therein that he had been residing in the suit property situated within the *Lal Dora* of Village Dariapur for the last 26 years whereas the defendant-respondents herein have no concern or connection with the same. It was further averred that the plaintiff-appellant was in possession of the suit property as owner and that his possession had been continuous, regular, peaceful and without any interruption. It was further the case that the defendant-respondents, being headstrong and lawless people, were

threatening to forcibly dispossess the plaintiff-appellant from the suit property.

3. The defendant-respondents appeared and contested the suit by filing a written statement raising various preliminary objections qua maintainability and that the suit was not maintainable as the plaintiff-appellant was not the owner/co-owner in the suit property. On merits it was the stand taken that the suit property was self-acquired property of defendant No.4, namely, Ram Dass @ Gurdass Ram who is the father of the plaintiff-appellant. Defendant No.4-father of the plaintiff-appellant had disinherited the plaintiff-appellant from the property by issuing a notice in the newspaper.

4. On the basis of the pleadings of the parties the following issues were framed :

1. Whether the plaintiff is entitled to the permanent injunction as prayed for ? OPP
2. Whether the suit is not maintainable ? OPD
3. Whether the plaintiff has no cause of action and *locus standi* to file the suit ? OPD
4. Relief.

5. The learned Trial Court vide judgment and decree dated 27.01.2017 dismissed the suit. Aggrieved by the same an appeal was preferred by the plaintiff-appellant which appeal was also dismissed by the learned First Appellate Court vide judgment and decree dated 25.03.2022. Hence, the present regular second appeal by the plaintiff-appellant.

6. Learned counsel for the plaintiff-appellant would contend that the plaintiff-appellant had been residing in the suit property along with his family and that the electricity bills etc. were in the name of the father of the plaintiff-appellant. It is further the contention of the learned counsel that during the pendency of the suit, the father of the plaintiff-appellant had died and that after the death of the father of the plaintiff-appellant, the plaintiff-appellant continued to reside in the suit property.

7. Heard.

8. In the present case the suit filed by the plaintiff-appellant was a simplicitor suit for permanent injunction. In a suit for permanent injunction, the plaintiff-appellant was to establish his possession over the suit property however what was argued by the plaintiff-appellant before both the Courts was that since Dass Ram @ Gurdass Ram had died during the pendency of the suit, as such the plaintiff-appellant had become the owner, which argument cannot be gone into in the present case as there is no declaration which has been sought in the present suit. The plaintiff-appellant while appearing as PW2 had, in his cross-examination, feigned ignorance that his father had disinherited him from the movable and immovable properties. He further deposed that the electricity connection was installed in the name of his father. The plea taken by the plaintiff-appellant was that he had been residing in the suit property for the last 26 years with his family and that the defendant-respondents had no concern with the same. However, not an iota of evidence had been led by the plaintiff-appellant to even remotely suggest that he was in possession of the suit property. There was sufficient evidence on the record

to show that defendant No.4 was the owner of the suit property. Sale certificate in his favour was produced on the record as Ex.D9. Copy of the sale certificate was also proved on the record by the plaintiff-appellant himself as Ex.P27. Once the ownership of defendant No.4 was proved and there was no evidence on the record to show the possession of the plaintiff-appellant, it was incumbent on the plaintiff-appellant to have filed the suit for declaration claiming ownership of the suit property on the basis of title. In the absence of any evidence on the record, no fault can be found with the impugned judgments and decrees passed by both the Courts concerned.

9. In view of the above, I do not find any merit in the present appeal. No question of law, much less any substantial question of law, arises for determination in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

27.01.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No