



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

125

RSA-1658-2026 (O&M)
Date of decision:05.05.2026

RANJEET SINGH

...APPELLANT

VERSUS

VIJAY KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ravinder Singh Randhawa, Senior Advocate with
Ms. Deepender Kaur, Advocate
for appellant.

PARMOD GOYAL, J. (ORAL)

Present regular second appeal has been preferred by appellant-plaintiff being aggrieved by judgment and decree dated 15.07.2019 passed by learned Civil Judge (Junior Division), Hisar, whereby suit for declaration preferred by appellant-plaintiff was dismissed and by judgment and decree dated 10.02.2026 passed by learned Additional District Judge, Hisar, whereby first appeal preferred by appellant-plaintiff was also dismissed.

2. Appellant-plaintiff had sought declaration to the effect that on the basis of judgment and decree dated 24.08.1994 passed in Civil Suit No.1079-C of 1994, he is owner in possession of constructed property bearing No.2002/2-A having total area measuring 435-18 sq. yds. situated at Vijay Nagar, Old Sabzi Mandi, Hisar, Tehsil and District Hisar bounded by street on north, south and east sides and plot of Smt. Santra Devi wife of Rajender and Ritu Saini daughter of Suresh Kumar on west side. Appellant-plaintiff also claimed that judgment and decree dated 29.09.1999 passed by the Court of learned Additional Civil Judge (Senior Division) in Civil Suit No.53-I titled 'Vijay Kumar etc. Vs. Onkar Saroop' is illegal, null and void

and liable to be set aside. Appellant-plaintiff further claimed that judgment and decree dated 10.10.2013 passed by Court of learned Additional District Judge, Hisar in Civil Appeal No.128 of 2010 as well as order dated 30.09.2016 passed by Court of learned Civil Judge (Senior Division) in Execution No.168 of 2015 liable to be set aside being wrong, illegal, without authority, null and void. It was further asserted that revenue record in respect of suit property is illegal, without authority, null and void, liable to be corrected in respect of suit property in the name of appellant-plaintiff since 24.08.1994 treating him to be owner in possession and relief of permanent injunction was sought against respondents-defendants to restrain them from taking forcible possession of the suit property.

3. On the other hand, respondents-defendants contested the suit by taking number of preliminary objections as regards to maintainability etc. It was claimed that respondents-defendants No.1 and 2 are owner in possession of land comprised in khasra No.3719(2-7), 3720(3-1) situated in Hisar, Tehsil and District Hisar on the basis of judgment and decree dated 29.09.1999 and appellant-plaintiff has no concern with the said property. It was also asserted that respondent-defendant No.3 is brother of appellant-plaintiff, who had attempted to interfere in possession of respondents-defendants No.1 and 2 in the disputed property, therefore, proceedings against respondent-defendant No.3 was initiated by respondents-defendants No.1 and 2 and vide orders dated 30.09.2016, respondent-defendant No.3 was held guilty and liable to be punished under Order XXI Rule 32 of Code of Civil Procedure, 1908 to undergo sentence of civil imprisonment for three months. It was also asserted that appeal was preferred by respondent-

defendant No.3 against order dated 30.09.2019, wherein stay was granted, however, same was vacated vide order dated 24.01.2017. Thereafter, learned Executing Court had issued warrants of arrest against respondent-defendant No.3 vide order dated 13.02.2017 and he is evading his arrest and appellant-plaintiff, who is real brother of respondent-defendant No.3 preferred the suit to save respondent-defendant No.3 from liability of sentence of civil imprisonment. Appellant-plaintiff also appeared as a witness during the execution to claim his right over the suit land and same was rejected by the Executing Court. It is asserted that appellant-plaintiff, respondent-defendant No.3 and their family members had assaulted sons of respondent-defendant No.1 and FIR No.1106 of 2015 under Sections 452/506/323/34 of Indian Penal Code, 1860 ('**IPC**') at Police Station City and FIR No.1176 of 2016 under Sections 323/341/506/34 of IPC at Police Station Hisar were registered. They were arrested and released on bail. It is asserted that by filing suit, appellant-plaintiff is trying to oust respondents-defendants No.1 and 2 from the land. It was further asserted that judgment and decree dated 24.08.1994 is not related to respondents-defendants No.1 and 2 and same is not document of title being based on fraud and mis-representation, whereas judgment and decree dated 29.09.1999 was based on revenue records showing title of the respondents-defendants No.1 and 2 over the suit property. Dismissal of suit was prayed for.

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

- i. Whether the plaintiff is entitled for decree of declaration and injunction as prayed for in view of the grounds mentioned in the plaint? OPP

- ii. Whether the suit of the plaintiff is not maintainable?
OPD
- iii. Whether the plaintiff has no cause of action to file the
present suit? OPD
- iv. Relief.

5. Learned Court of First Instance duly considered the case set up
by appellant-plaintiff and had rejected the same on the following grounds:-

- i. That learned Courts below have disbelieved the claim of
appellant-plaintiff on the ground that despite having
secured judgment and decree dated 24.08.1994 in his
favour, the same was not got incorporated in revenue
records.
- ii. That judgment and decree dated 24.08.1994 was based
upon house tax assessment and house tax entries and
same cannot be relied to prove ownership and possession
of appellant-plaintiff over the suit property.
- iii. That appellant-plaintiff had failed to disclose the *khasra*
and *killa* numbers of the suit property.
- iv. That appellant-plaintiff had claimed that suit property
was owned by his brother Onkar Singh, however, he had
not produced any document of ownership in favour of
Onkar Singh.
- v. That no demarcation of suit property was conducted or
placed on record.
- vi. That appellant-plaintiff had failed to prove any document
of title pertaining to suit property except for house rent
entries.
- vii. That consent decree obtained by appellant-plaintiff
suffered by his brother, wherein respondents-defendants
were not parties, without there being any basis for
ownership of his brother, cannot be relied upon to reject
the claim of respondent-defendant No.1.

- viii. That Local Commissioner report relied upon by appellant-plaintiff to prove possession was rejected as Local Commissioner had no authority to determine possession over the suit property.
- ix. That appellant-plaintiff has failed to prove his connection with the land mentioned in judgment and decree dated 29.09.1999.

Accordingly, learned Courts below after taking note of all above noted defects in the claim of the appellant-plaintiff rejected his suit and as well as first appeal preferred by appellant-plaintiff.

6. On consideration and re-appreciation of pleadings and evidence, I do not find any error in the approach adopted and above-noted conclusions drawn by both the learned Courts below.

7. Learned counsel for appellant-plaintiff has tried to argue that in view of judgment and decree 24.08.1994, the learned Courts below ought to have allowed at least injunction in favour of appellant-plaintiff as he succeeded in proving that he is owner of suit property duly described in plaint. The argument raised on behalf of learned counsel for appellant-plaintiff appears to be very attractive, however on close scrutiny, it is clearly made out that it is an attempt to avoid consequences of judgment and decree dated 29.09.1999 in favour of respondents-defendants No.1 and 2. On one hand, appellant-plaintiff is claiming suit property by describing on the basis of municipal records, however, in same breath, appellant-plaintiff is also challenging judgement and decree dated 29.09.1999 pertaining to *khewat* no.295 *khatauni* No.345 *hasra* No.3719(2-7) 3720(3-1) claimed by respondents-defendant No.1 and 2. There is no material on record to conclude that the property owned by respondents-defendants No.1 and 2 is

the same property which is being claimed by appellant-plaintiff. Respondents-defendants No.1 and 2 in clear terms in their written statement as well as by way of their evidence have asserted that they are concerned only with property duly described in judgment and decree dated 29.09.1999 and are not concerned with any other property. It is also admitted fact that respondent-defendant No.3 (real brother of appellant-plaintiff) was sentenced to civil imprisonment for 03 months for interfering in peaceful possession of respondents-defendants No.1 and 2 in violation of judgment and decree dated 29.09.1999 and he had absconded after sentence of imprisonment was passed against him. The suit has been filed subsequent to said proceedings against respondent-defendant No.3.

8. The pleadings and evidence led by appellant-plaintiff are totally vague, ambiguous and is an attempt to interfere in the property owned and possessed by respondents-defendants No.1 and 2 who had been held entitled to same vide judgment and decree dated 29.09.1999. In fact, appellant-plaintiff has totally failed to show the identity of suit property, which he claims only on the basis of house tax entries. The Courts below have rightly held that appellant-plaintiff has failed to show his right over the suit property independently as he has failed to show any document in favour of his brother Onkar Singh, who had suffered judgment and decree dated 24.08.1994. Except for municipal house tax assessment entries, there is no document of title either in favour of appellant-plaintiff or in favour of respondent-defendant No.3 from whom appellant-plaintiff is claiming title. The learned Courts below have rightly held that municipal house tax assessment cannot be considered as title document and ownership cannot be determined on the

basis of municipal house tax assessment register.

9. In view of above discussion, it is held that judgments and decrees passed by learned Courts below are based upon evidence led by parties and on appreciation of evidence as per law. No other question of fact or law has arisen in present case.

10. Present appeal is without any merit, hence dismissed.

11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

05.05.2026
Sunil Chander

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