



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

RSA-3647-2011 (O&M)

Date of decision : 05.03.2026

RAJINDER KUMAR

...Appellant

Versus

KAUSHAL CHAND AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.C. Shahpuri, Advocate for the appellant.

Mr. Namit Khurana, Advocate and

Mr. Nitin Goswami, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Plaintiff.s in appeal. For convenience and to avoid confusion, the parties hereinafter are referred to as by their original position before the Court of the First Instance, i.e., the appellant as plaintiff and respondents as defendants.

2. The plaintiff filed suit seeking decree of permanent injunction claiming himself to be in possession of the suit property as a tenant.

3. Suit was contested by the defendants denying the possession of the plaintiff as tenant. As per defendants, they being owners are in possession of the suit property.

4. Both the Courts below have non-suited the plaintiff holding that he has failed to prove his possession

5. Mr. Shahpuri has assailed the findings recorded by the Courts below. He submits that the plaintiff is in possession of the suit property as a tenant. His possession stands proved in the light of the Revenue Record up to the year 2002-2003. It being settled proposition of law that once a tenant is always a tenant, until defendants are able to prove that the plaintiff was ejected or that the plaintiff surrendered the tenancy, suit filed by the plaintiff seeking decree of permanent injunction cannot be dismissed.

6. During the course of arguments, this Court has put a specific query to Mr. Shahpuri, counsel for the appellant as to the entry in Column No.9 of the Revenue Record. Mr. Shahpuri very fairly concedes that even though in Column No.5, the plaintiff has been recorded as *Gair Marusi* but there is no corresponding entry in Column No.9. As per settled proposition of law, a person merely entered as a *Gair Marusi* without there being any corresponding entry in Column No.9, cannot be held as a tenant.

7. In view thereof, this Court does not find any reason to interfere in the well reasoned findings recorded by the Courts below. Finding no merit in the present appeal, the same is ordered to be dismissed.

8. Pending application, if any, shall also stands disposed off.

March 05, 2026

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No