



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

RSA No. 2590 of 2012 (O&M)

Date of Decision: 27.01.2026

Ranjit Singh (deceased) through legal representatives
and another

..... Appellants

Versus

S. Bhupinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Baldev Raj Mahajan, Senior Advocate, assisted by
Ms. Prerna Malhotra, Advocate
for the appellants-LRs of plaintiff.

Mr. Kanwal Goyal, Advocate with
Mr. A.P.S. Sandhu, Advocate and
Mr. Ashish Kaushik, Advocate
for respondent No. 1.

HARKESH MANUJA, J. (ORAL)

The legal representatives of plaintiff are in appeal.

[2] By way of present appeal, challenge has been laid to the judgment and decree dated 10.12.2011 passed by the Court of Additional District Judge, Amritsar (**hereinafter to be referred as “First Appellate Court”**), whereby appeal filed against the judgment and decree dated 30.01.2007 passed by the Court of Additional Civil Judge (Senior Division), Amritsar (**hereinafter to be referred as “trial Court”**), dismissing the suit for separate possession instituted at the instance of appellant(s)-plaintiff, was dismissed; thereby affirming the judgment and decree passed by the trial Court.

[3] Briefly stating, the appellant(s)-legal representatives of plaintiff, namely, Smt. Swaran Kaur widow of S. Puran Singh (since deceased) filed a suit for separate possession by metes and bounds claiming 1/3rd share in respect of the following properties left behind by Puran Singh:-

(i) *A residential bungalow No.21, built on plot measuring 300 sq yards, situated at Mahindera House Colony, Amritsar bounded as: East: Bungalow No.22, West: Mahindera House, South: 20 ft. wide road, North: Bungalow No.20; measuring 60'x45' fully shown in the plan annexed herewith;*

(ii) *One bungalow built on area of 500 sq.yards on plot No.5-A, situated in Abadi known as Krishna Square, Amritsar, measuring 45'x100' fully detailed in the plan annexed.*

(iii) *206 kanals 18 marlas of land denoted by Khasra No.44/11/2 (4 K), 44/14(3K-1 Marla); 44/17(7K-6M), 44/18(7K-7M); 44/19 (8K), 44/20/1(4K), 44/21/2(4k), 44/22(8k), 44/23(8K), 44/23 (8K), 44/24(8K), 44/25/1(2K-6M), 44/26(24K-5M), all denoted by Khewat Khatoni No.1056/1738; Khasra No.44/3(4K-16M), Khewat Khatoni No.211/303, 44/2(8K), 44/9(5K-6M), 44/12 (6K-4M), all denoted by Khewat Khatone No. 419/813, Khasra No. 15/161/2/2(4K-10M), Khewat Khatoni No.984/1643, khasra No. $\frac{3}{4}$ share of 15/16/2/2/1 (09M), Khewat Khatoni No. 984/1644, Khasra No. 15/16/2/1 (015M), Khewat Khatoni No. 984/1645, Khasra No.15/15/2 (6K-15M), 15/16/1(1K-18M), 15/25/1(2K-6M), Khewat Khatoni No.985/1646, Khasra No.21/2(7K-11M), 21/3(7K-4M), 21/8(8k), Khewat Khatoni No.1056/1738, according to Jamabandi of 1991-92 in the estate of Harsha Chhina, Tehsil Ajnala, District Amritsar, fully detailed in the plan and the copy of Jamabandi annexed*

herewith alongwith bungalow, sheller and brick kiln threat). ”

[3.1] It was pleaded that Puran Singh was the husband of the plaintiff-Swaran Kaur and father of the defendants, namely, Bhupinder Singh and Karamjit Singh. Puran Singh had married twice, firstly with the plaintiff-Smt. Swaran Kaur and thereafter with Surjit Kaur, who had predeceased him. Puran Singh died on 16.08.1994. Defendant No. 2 was born from the first marriage of Puran Singh, whereas defendant No. 1 born was from the second marriage. The suit properties as detailed above had been left behind by deceased-Puran Singh who was the sole owner thereof. The plaintiff-Swaran Kaur being the widow of Puran Singh had claimed 1/3rd share in the entire estate. It was further pleaded that the plaintiff was not properly benefited of her share in the suit property and as such, she did not want to keep the same joint with the defendants and wanted its partition. It was also pleaded that defendant No. 1-Bhupinder Singh (respondent No. 1 herein) got mutation of subject land sanction in his favour in unlawful manner, while the plaintiff was in possession of the suit property through her co-owner / defendant No. 1-Bhupinder Singh. Since, the defendants refused to accept the request of plaintiff, hence, the plaintiff filed the present suit for separate possession by way of partition by metes and bounds of her 1/3rd share in the aforesaid properties left behind by Puran Singh. Hence, the suit.

[4] Upon notice, respondent No. 1-defendant No.1 (S. Bhupinder Singh) appeared and filed written statement, taking preliminary objections regarding maintainability of the suit and prayed for its dismissal.

[5] Respondent No. 2-Defendant No. 2 (S. Karamjit Singh) filed the written statement admitting the claim of plaintiff.

[6] On the basis of pleadings of the parties, the trial Court framed the following issues:-

- “1. Whether the plaintiff has got 1/3rd share in the disputed property? OPP*
- 2. Whether the suit property was ancestral ? OPD*
- 3. Whether Puran Singh deceased suffered a decree in favour of defendant No. 1, if so its effect? OPD*
- 3-A Whether Smt. Swaran Kaur executed a legal and valid will dated 14.12.2000 in favour of Ranjit Singh, Daljit Singh, Gurjit Singh and Angrej Singh sons of Karamjit Singh, if so its effect? OPP*
- 4. Whether the plaintiff is estopped by her act and conduct from filing the present suit ? OPD*
- 5. Whether the suit is bad for non-joinder of necessary parties ? OPD*
- 6. Whether the suit is properly valued for the purposes of court fee and jurisdiction ? OPP*
- 7. Whether the plaintiff is entitled to decree of separate possession by way of partition of 1/3rd share ? OPP*
- 8. Relief. ”*

[7] The learned trial Court, vide its judgment and decree dated 30.01.2007, dismissed the suit of the appellant(s)-plaintiff.

[8] Aggrieved thereof, the appellant(s)-plaintiff filed the first appeal, which also came to be dismissed vide judgment and decree dated 10.12.2011 passed by the learned First Appellate Court. Hence, the present appeal.

[9] Impugning the aforesaid judgments and decrees dated 30.01.2007 & 10.12.2011 passed by the Courts below, learned Senior

Counsel representing the appellants-plaintiff(s) submitted that the Courts below have completely ignored the pleadings and the evidence available on record and thus, the present appeal was liable to be allowed.

[10] On the other hand, learned counsel for respondent No. 1 opposes the averments made in the appeal.

[11] After hearing learned counsel for the parties and having gone through the paper-book / records, I am unable to find substance in the submission(s) made on behalf of the appellant(s)-plaintiff.

[12] A perusal of the record shows that a suit for separate possession by way of partition through metes and bounds *qua* one-third share of the property left by deceased-Puran Singh was filed on behalf of the appellant-plaintiff/Smt. Swaran Kaur while claiming herself to be his widow. The details of the properties left by deceased-Puran Singh as depicted in the plaint has been extracted in para-2 hereinbefore.

[13] From the evidence available on record, concurrent findings of fact has been recorded by both the Courts below that the property at Sr. No. (i) and (iii) were the self acquired properties of the deceased-Puran Singh and the same were transferred in favour of respondent No. 1-defendant No. 1 by him during his life-time, vide judgment and decree dated 07.06.1993 (proved on record as Exhibits D-3 & D-4 respectively) passed in ***Civil Suit No. 130 of 1993***, titled ***“Bhupinder Singh Versus S. Puran Singh”***; followed by mutation entered on the basis thereof.

[14] Admittedly, the appellant(s)-plaintiff(s) did not lay any challenge to the aforementioned judgment and decree dated 07.06.1993 suffered by the deceased-Puran Singh in favour of respondent No. 1-

defendant No. 1 (S. Bhupinder Singh), either in the present suit or even by way of separate proceedings. Moreover, with respect to property No. (ii), it has been proved on record by respondent No. 1-defendant No. 1 that the same was his own self acquired property been purchased by him through registered sale deeds dated 11.06.2003 dated 09.06.2003 (proved on record as Exhibits D-1 & D-2 respectively) from one Maan Singh. In such circumstances, once the property described as (ii) in the plaint was never owned by the deceased-Puran Singh but was the exclusive ownership of respondent No. 1-defendant No. 1, thus even with respect to the said property, the appellant(s)-plaintiff was having no cause of action to file, maintain and pursue the present suit.

[15] Accordingly, in view of the discussion made hereinabove, finding no illegality or perversity with the concurrent findings of fact recorded by the Courts below and there being no misreading or misinterpretation of either the pleadings or the evidence available on record; the present appeal, being devoid of merits, is hereby **dismissed**.

[16] Since, the main appeal has been decided / dismissed, no orders are required to be passed in the pending application(s), if any, and the same shall also stand disposed off.

January 27, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>