



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

RSA-3952-2016 (O&M)

Reserved on :- 16.04.2026

Date of Pronouncement:-21.04.2026

Uploaded on:- 21.04.2026

Satpal

... Appellant

Versus

Dilbagh Singh and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Shubham Goyal, Advocate
for the appellant.

Mr. A.S. Virk, Advocate
for the respondents No.1 to 3.

VIRINDER AGGARWAL, J.

1. The present Regular Second Appeal (for short “RSA”) has been preferred by the appellant–plaintiff assailing the judgment and decree dated 07.11.2015 passed by the learned District Judge, Ambala, affirming the judgment and decree dated 04.01.2014 of the learned Civil Judge (Junior Division), Ambala, whereby the suit for declaration instituted by the appellant stood dismissed. The appellant challenges the concurrent findings of both Courts below as being legally untenable and factually erroneous.



2. The case set up by the appellant–plaintiff is that he instituted the present suit on 30.04.2004, asserting that upon purchase of the suit land, he stepped into the shoes of his vendors and came into lawful possession thereof, having made improvements including installation of a tube-well and *toka* machine and plantation of trees. It is further pleaded that proforma defendant No. 4, Gurnam Singh, also acquired a share and raised construction thereon. The plaintiff claims possession over the portion delineated as ABCDEFGH in the site plan and alleges unlawful interference by defendant Nos. 1 to 3. It is also averred that the defendants’ pre-emption suit, founded on alleged manipulated revenue entries, though initially dismissed, was decreed in appeal on 16.12.1998, against which RSA No. 261 of 1999 is pending before the Hon’ble High Court with an order of status quo. The plaintiff’s attempts to seek correction of Khasra Girdawari were unsuccessful.

2.1 The plaintiff further contends that the appellate judgment dated 16.12.1998 is vitiated by reliance on manipulated entries and misappreciation of evidence, and that the defendants are threatening to disturb his possession on that basis.

2.2 On these premises, the plaintiff seeks a declaration that the revenue entries reflecting defendant Nos. 1 to 3 as “Neez Gair Maurusian” are illegal, void, and non-binding, along with a declaration setting aside the judgment dated 16.12.1998 and the orders of the Revenue Authorities, and a decree of permanent injunction restraining interference in his possession. The suit was accordingly instituted.



3. Upon service, defendant No. 1, in his written statement, asserted that the pre-emption suit filed by him and his brothers stood decreed vide judgment dated 16.12.1998 passed by the learned Additional District Judge, Ambala, and that the Regular Second Appeal thereagainst is pending before the High Court with an order of status quo. A preliminary objection as to maintainability was raised on the ground that the present suit is barred in view of the pendency of the said appeal and amounts to interference with subsisting judicial orders. It was further pleaded that the plaintiff's petition for correction of Khasra Girdawari has already been dismissed by the competent Revenue Authorities. The defendant denied the plaintiff's possession and, while controverting the remaining averments, prayed for dismissal of the suit.

3.1 Defendant Nos. 2 and 3, vide statement dated 18.10.2004, adopted the written statement of defendant No. 1 in toto.

3.2 Proforma defendant No. 4, in his written statement, supported and admitted the claim of the plaintiff.

4. The plaintiff filed a replication, denying the assertions and objections raised in the written statement and reaffirming the averments set out in the plaint. Upon consideration of the pleadings and rival contentions, the trial Court framed the following issues for determination:—

1. Whether the revenue entries in the name of defendants no.1 to 3 are illegal, null and void on the grounds as alleged?OPP.
2. Whether the plaintiff is entitled to decree for declaration and permanent injunction as prayed for? OPP.
3. Whether the suit of the plaintiff is not maintainable in the present form?OPD.



4. Whether the plaintiff has got no locus standi to file the present suit ?OPD.
 5. Whether the civil court has no jurisdiction to entertain and try the present suit?OPD.
 6. Relief
5. Upon framing of issues, both parties were afforded full opportunity to lead evidence. On appraisal of the material on record and after considering the respective arguments, the learned Trial Court dismissed the suit.
- 5.1 The appeal preferred by the appellant–plaintiff was also dismissed by the learned First Appellate Court, affirming the findings of the Trial Court. Aggrieved by such concurrent findings, the appellant has instituted the present Regular Second Appeal.
6. The appellant assails the concurrent judgments and decrees of the Courts below. The appeal having been admitted, notice was issued to the respondents, who entered appearance and contested the same.
- 6.1 For proper adjudication, the complete record of the Courts below was requisitioned and perused.
7. I have heard learned counsel for the parties at length and have duly considered their submissions in light of the pleadings, evidence on record, and the concurrent findings returned by the Courts below.
8. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of *Pankajakshi*



(Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157, followed by the judgments in the case of *Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317 and Satender and others V/s Saroj and others, 2022(12) Scale 92*. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

9. Vide judgment and decree of even date passed in ***RSA-261-1999 titled Satpal vs. Dilbagh Singh and Others***, this Court has already adjudicated and held that appellant-Satpal is the owner in possession of the suit land. In view of the aforesaid authoritative determination, it stands conclusively established that the appellant-Satpal, being the owner in settled possession, is legally entitled to safeguard his possession against any threatened or forcible dispossession.

9.1. Accordingly, the concurrent findings recorded by both the Courts below are hereby set aside. The appeal filed by appellant-Satpal is **allowed**, and the suit of the appellant-plaintiff stands decreed. Consequently, the revenue entries in favour of respondents No.1 to 3 are declared illegal, null-&-void, and of no legal effect, being incapable of prejudicing the rights of the plaintiff as owner in settled possession of the suit property. The defendants are hereby restrained from causing any interference in the peaceful possession and enjoyment of the suit property by the plaintiff.

10. Consequent upon the final adjudication of the principal controversy, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings, shall stand disposed of by



necessary implication. In view of the findings recorded here-in-above, no separate or further orders are required in respect thereof, the same having been rendered infructuous and purely academic in nature.

21.04.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No