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

RSA-2142-2018 (O&M)

Date of Decision : 22.01.2026

PAL SINGH

.... Appellant

VERSUS

RANBIR SINGH (DECEASED) THR LRS AND ANR Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kapil Aggarwal, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the plaintiff-appellant aggrieved by the judgment and decree dated 18.02.2014 passed by the Trial Court partly decreeing the suit for partition with consequential relief of permanent injunction. Challenge has also been laid to the dismissal of the appeal by the learned First Appellate Court vide judgment and decree dated 13.10.2017.

2. Brief facts relevant to the present *lis* are that the plaintiff-appellant herein filed the present suit seeking a decree for partition with consequential relief of permanent injunction *inter alia* on the ground that the plaintiff-appellant and the defendant-respondents are in joint possession of four *Gair Mumkin Baras* of total land measuring 21 Marlas as detailed in the plaint. It was the case that all four *Baras* in question had not been partitioned

till date and the parties to the suit are owners in possession of the same in equal shares.

3. On notice, the defendant-respondent No.1 appeared and filed his written statement raising various preliminary objections. On merits it was pleaded that the property comprised in Khasra No.617 and 616/1 had already been partitioned amongst the parties mutually and orally about 20 years back. According to the oral partition, the possession of the land measuring 4.6 Marlas towards South of Khasra No.617 was given to the defendant-respondent No.2 whereas the possession of land measuring 4.6 Marlas towards South of Khasra No.616/1 was given to the plaintiff-appellant and the defendant-respondent No.1 was put in possession of Northern portion of Khasra No.617 and part of Southern partition of Khasra No.616/1. It was further the stand taken that the plaintiff-appellant and defendant-respondent No.2 have got constructed their residential houses over their respective portions of land according to their shares.

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

1. Whether the plaintiff is entitled to a decree for partition with consequential relief of permanent injunction as prayed for ? OPP
2. Whether the plaintiff has not come to the court with clean hands ? OPD
3. Whether the suit is not maintainable ? OPD
4. Whether the plaintiff has no *locus standi* to file and

maintain the present suit ? OPD

5. Whether the present suit is abuse to the process of law ? OPD

6. Whether the plaintiff has been estopped from filing the present suit by his own act and conduct ? OPD

7. Whether the plaintiff has no cause of action against the defendants ? OPD

8. Relief.

5. The Trial Court partly decreed the suit qua 14 Marlas of land i.e. 9 Marlas comprised in Khasra No.617 as per Ex.P1 and land measuring 5 Marlas comprised in Khasra No.616/1 as per Ex.P2 and the share of the plaintiff-appellant in that 14 Marlas was determined as 1/3rd and the suit qua the remaining land was dismissed. Aggrieved by the same an appeal was preferred by the plaintiff-appellant which was dismissed by the learned First Appellate Court vide judgment and decree dated 13.10.2017. Hence, the present regular second appeal by the plaintiff-appellant.

6. Learned counsel for the plaintiff-appellant would contend that the plaintiff-appellant had exchanged the land with that of the defendant-respondents and land comprised in Khasra No.613 and 616/3 had fallen to his share and as such the suit ought to have been decreed in toto.

7. Heard.

8. In the present case both the Courts have concurrently held that though qua land comprised in Khasra No.616/1 and 617 there was evidence to show that the said land was jointly owned and possession by the plaintiff-

appellant and the defendant-respondents and as such the suit was decreed qua land comprised in Khasra No.616/1 and 617. As far as land comprised in Khasra No.613 and 616/3 is concerned, the plaintiff-appellant failed to produce any exchange deed on the record or any revenue document to show that the plaintiff-appellant and the defendant-respondents were joint owners in possession of the same. PW3 Dharambir in his cross-examination had admitted that a writing was executed regarding the exchange however the plaintiff-appellant failed to produce any such exchange deed. In the absence of any evidence having been led by the plaintiff-appellant even to remotely suggest that the plaintiff-appellant and the defendant-respondents were joint owners in possession of Khasra No.613 and 616/3, no fault can be found with the impugned judgments and decrees.

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.

22.01.2026
Aman Jain

(ALKA SARIN)
JUDGE

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