



109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3415-2025 (O&M)
Date of Decision: 19.03.2026

JORA RAM (SINCE DECEASED) THROUGH HIS LRS AND
OTHERS

...Appellants

Vs.

INDERJEET (SINCE DECEASED) THROUGH HIS LRS AND
ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Jasvir Kaur, Legal Aid Counsel
for the appellants.

Mr. Manish Dadwal, Advocate
for the respondents.

VIRINDER AGGARWAL, J. (Oral)

CM-12463-C-2025

This is an application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 107 days in filing the present appeal.

For the reasons mentioned in the application, duly supported by an affidavit and in the interest of justice, delay of 107 days in filing the appeal is condoned.

CM is disposed of.

RSA-3415-2025

1. The present Regular Second Appeal has been filed against the judgment and decree dated 10.02.2025 passed by the Learned Additional District Judge, whereby the appeal was allowed and the suit filed by the respondent/plaintiff was decreed. Through the said judgment, the Learned Additional District Judge-II, Kapurthala, restrained the defendants from



interfering with the peaceful possession of the suit land and from illegally and forcibly dispossessing the respondent/plaintiff therefrom. Aggrieved by the aforesaid judgment and decree, the present appeal has been preferred by the appellants/defendants. The respondents/plaintiffs had originally instituted a suit for permanent injunction, seeking to restrain the defendants from interfering in his lawful possession and from forcibly dispossessing him from the suit land, which has been fully detailed and described in the headnote of the plaint. The case of the respondent/plaintiff was premised on his settled and continuous possession over the suit property, which, according to him, was being threatened by the unlawful acts of the defendants.

2. The suit was contested by the appellants/defendants by filing a written statement, wherein it was specifically pleaded that the respondent/plaintiff is neither the owner nor in possession of the suit property. It was asserted, on the contrary, that the appellants/defendants are in settled and continuous possession of the suit property and have been residing therein along with their family members after constructing a residential house over the same. It was further averred that an electricity connection stands installed at the suit property in the name of Jora Ram, husband of the appellant, which substantiates their possession and occupation. The appellants/defendants categorically denied the claim of the respondent/plaintiff regarding the alleged purchase of the suit property vide sale deed dated 11.08.1997, disputing the validity and effect of the said document. On the basis of the pleadings of the parties, the learned Trial Court framed the necessary issues for adjudication. Both parties were



afforded adequate opportunities to adduce oral as well as documentary evidence in support of their respective cases. After appreciating the evidence on record and hearing the arguments advanced by learned counsel for the parties, the learned Trial Court dismissed the suit filed by the respondent/plaintiff. However, in appeal, the learned First Appellate Court reversed the judgment and decree of the learned Trial Court, allowed the appeal, and decreed the suit in favour of the respondents/plaintiffs. Being aggrieved by the said judgment and decree passed by the learned First Appellate Court, the appellants/defendants have preferred the present Regular Second Appeal.

3. The respondents appeared through Mr. Manish Dadwal, Advocate. I have heard learned counsel for the parties and have carefully perused the record of the case.

4. Learned counsel for the appellants contended that the learned First Appellate Court has based its findings on mere surmises and conjectures and has gravely erred in reversing the well-reasoned and legally sound judgment and decree passed by the learned Trial Court. It was further argued that the respondent/plaintiff has miserably failed to establish his ownership as well as possession over the suit land by leading cogent and reliable evidence, and as such, the findings recorded by the learned First Appellate Court are perverse and unsustainable in the eyes of law.

5. *Per contra*, learned counsel for the respondent/plaintiff submitted that the judgment and decree passed by the learned First Appellate Court are based on proper appreciation of evidence on record and correct application of law. It was contended that there is no illegality, irregularity, or



infirmity in the findings so recorded, and the same do not call for any interference by this Court in the present Regular Second Appeal.

6. The learned First Appellate Court has recorded detailed and well-reasoned findings in paragraphs 15 and 16 of the impugned judgment. A perusal of the said findings reveals that the conclusions drawn by the learned First Appellate Court are based on a proper appreciation of the oral as well as documentary evidence available on record, particularly the testimony of DW-2, Jora Ram. It is an admitted position on record that the respondent/plaintiff, Inderjeet Singh, is the owner in possession of the plot comprised in Khasra No. 147/1/14. Significantly, DW-2 Jora Ram, while appearing in the witness box, has admitted that he is the owner of Plot No. 13. He has further not denied the fact that the plot in question was originally allotted to Faqir Chand, son of Mela Ram, who is the predecessor-in-interest of the respondent/plaintiff. These admissions assume considerable evidentiary value and lend substantial support to the case set up by the respondent/plaintiff. In view of the aforesaid admissions and the material placed on record, the learned First Appellate Court has rightly concluded that the respondent/plaintiff, being the owner in possession of the plot comprised in Khasra No. 147/1/14, is entitled to the relief of permanent injunction as prayed for.

7. This Court does not find any illegality, perversity, or material infirmity in the findings so recorded by the learned First Appellate Court, warranting interference in exercise of jurisdiction under Section 100 of the Code of Civil Procedure. No substantial question of law arises for



consideration in the present appeal. Accordingly, the present Regular Second Appeal, being devoid of merit, is **dismissed**.

8. Pending applications, if any, shall stand disposed of.

(VIRINDER AGGARWAL)
JUDGE

19.03.2026
kv

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