



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

(108)

CR-7212-2025 (O&M)
Date of order :-04.02.2026

Davinder Kumar

... Petitioner

Versus

Ramesh Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present :- Mr. Mohit Jaggi, Advocate
for the petitioner.

VIRINDER AGGARWAL, J.(ORAL)

1. The petitioner has invoked the revisional jurisdiction of this Court to challenge the judgment and decree dated 03.05.2024 passed by the learned Civil Judge, Jalandhar, whereby the summary suit instituted by the petitioner under Section 6 of the Specific Relief Act, 1963, seeking restoration of possession of the suit property, came to be dismissed.

2. It is contended that the petitioner, being the owner in settled and peaceful possession of the suit property, had purchased the same from Vijay Kumar pursuant to an agreement to sell dated 06.08.2010, under which possession was duly delivered. It is further averred that the respondent-defendant, on 28.07.2021, forcibly and unlawfully dispossessed the petitioner by breaking open the locks affixed to the suit



under Section 6 of the Specific Relief Act, 1963, seeking restoration of possession of the suit property.

3. The suit was contested by the respondent, who categorically denied the petitioner's title as well as his alleged prior possession over the suit property. Upon conclusion of the trial and appreciation of the evidence on record, the learned Civil Judge dismissed the suit.

4. Aggrieved by the judgment and decree so rendered, the petitioner has instituted the present revision petition.

5. I have heard learned counsel for the petitioner at length and have minutely examined the paper book placed on record.

6. Learned counsel for the petitioner contended that the learned Civil Judge failed to properly appreciate the pleadings and evidence adduced in the case. It was submitted that due consideration was not given to the fact that the petitioner had raised construction of a room over the suit land, thereby evidencing settled possession. It was further argued that the respondent was proceeded against ex parte and did not contest the suit. Reliance was also placed upon the agreement to sell dated 16.08.2010 executed in favour of the petitioner. Vinod Kumar, the previous owner in possession of the suit property, appeared as a witness and duly proved the execution of the agreement as well as delivery of possession to the petitioner.

7. The learned Civil Judge, upon a due and comprehensive appreciation of the pleadings and evidence on record, has dismissed the suit. It was categorically held that the petitioner failed to establish prior and lawful possession over the suit property, which is a sine qua non for relief



under Section 6 of the Specific Relief Act. The agreement to sell dated 16.08.2010 was found to be materially deficient, inasmuch as it does not specify any plot number, the column meant for such description having been left conspicuously blank. Further, the dimensions of the suit property do not correspond with those mentioned in the agreement to sell on two sides. There is also a complete absence of cogent evidence to demonstrate prior possession of Vijay Kumar, the alleged predecessor-in-interest of the petitioner.

7.1. It was further observed that the mere dismissal of the earlier suit instituted by the respondent does not, by itself, establish the petitioner's possession over the suit property, particularly when the judgment in the previous litigation does not record any finding with regard to either possession or ownership of the petitioner. In view of these infirmities, the learned Civil Judge rightly concluded that no case of dispossession within the meaning of Section 6 of the Act was made out. This Court finds no material irregularity, illegality, or perversity in the appreciation of evidence or in the conclusions arrived at by the trial Court. Consequently, no interference is warranted in the exercise of revisional jurisdiction. The revision petition, being devoid of merit, is accordingly dismissed.

8. In consequence of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings, shall stand disposed of as a necessary corollary. In view of the conclusions recorded here-in-above, no separate or further orders are required to be passed in respect of such



applications, their consideration having become wholly infructuous and academic.

04.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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