



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

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RSA-3972-2023 (O&M)

Date of decision : 23.04.2026

Balvir Singh**..... Appellant****versus****Chanan Singh @ Chanan Singh (since deceased)
and ors.****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Raj Kumar Kakkar, Advocate
for the appellant (Through V.C.).

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in second appeal. For convenience, parties hereinafter are referred to by their original position in the suit, i.e. the appellant as plaintiff and respondents as defendants.

2. Plaintiff filed suit seeking decree of declaration with the consequential relief of permanent injunction. As per the pleadings raised in the plaint, Chanan Singh, Kundan Singh and Tarlok Singh all sons of Banta Singh son of Kesar Singh were real brothers. Banta Singh son of Kesar Singh, i.e. grand father of the plaintiff was owner of 34-35 acres of land in village Sohal Thathi, Tehsil and District Tarn Taran. Upon the death of Banta Singh, the land was inherited by Kundan Singh, Chanan Singh and Tarlok Singh. Chanan Singh sold 1/3 share to purchase land at Village Mallu Walie Wala.

3. As per the plaintiff, the entire land was purchased by Chanan Singh from the sale proceeds of the ancestral co-parcenary property at village Sohal Thathi that he inherited from his father Banta



Singh. The plaintiff being coparcener has a right in the land by birth and is thus entitled to the same. Plaintiff, accordingly sought decree of declaration against the transfer deed dated 20.12.2006, 11.09.2014 and that dated 24.06.2014 executed by Chanan Singh in favour of defendant No.1 to 13 declaring the same to be illegal, null and void qua the interest of the plaintiff. The plaintiff further claimed that he has raised construction of house and haveli which is in his possession.

4. Suit was contested by the defendants. Defendants denied that the nature of land was ancestral and coparcenery as claimed by the appellant. It was further denied that plaintiff is in possession of any part of land.

5. Suit filed by the plaintiff was put to trial by the Court of First Instance framing following issues:-

- "I Whether plaintiff is entitled for declaration as prayed for head note under the para A ?OPP*
- II Whether plaintiff is entitled for permanent injunction as prayed for head note under the para of A?OPP*
- III Whether the plaintiff is entitled for declaration as prayed for head note under para of B?OPP*
- IV Whether the plaintiff is entitled for permanent injunction as prayed for head note under para of B? OPP*
- V Whether the plaintiff is entitled for declaration as prayed for head note under the para of C?OPP*
- VI Whether the plaintiff is entitled for permanent injunction as prayed for head note under the para of C?OPP*
- VII Whether the suit of plaintiff is time barred?OPD*
- VIII Whether suit of plaintiff is not properly valued and jurisdiction?OPD*
- IX Whether suit of plaintiff is not maintainable?OPD*
- X Whether the plaintiff has locus standi to file present suit? OPD*
- XI Relief."*



6. While deciding issue No.1 to 6, the Court of First Instance found that the plaintiff failed to prove that the property involved in the transfer deeds is a coparcenary property and that the plaintiff has a right in the same by birth.

7. Unsuccessful plaintiff preferred appeal. Lower Appellate Court dismissed the suit qua agricultural land observing as under:-

“xx xx xx

20. In the present case, suit property is not inherited by Chanan Singh from his father, rather admittedly, same has been purchased by Chanan Singh. It is plea of the plaintiff that Chanan Singh purchased the same after selling the property inherited by him from his father Banta Singh at village Sohal Thathi. Plaintiff has not placed on record any mutation of inheritance of Banta Singh in order to prove that Chanan Singh has got property at Sohal Thathi by way of inheritance and after selling the same, suit property has been purchased. Defendant no.1 has taken plea that he and his brothers had purchased 20 acres of land from own funds. He has paid loan amount after selling the property owned by him at Sohal Thathi. So, considering the fact that there is no pleading or proof that parties are Hindu and are governed by Hindu Law and are followers of Mitakshra School with regard to succession, then plaintiff cannot be held to have birth right in the suit property. It has been rightly concluded by the learned lower court that plaintiff has failed to prove on record that suit property is ancestral and coparcenary property of Joint Hindu Law.”

8. Regards house shown as ABCD in the site plan and haveli shown as ABEF, Lower Appellate Court relying upon the admission made by Chanan Singh DW-1, decreed the suit qua house shown as ABCD and declined relief qua haveli shown as ABEF. Lower Appellate Court accordingly allowed the appeal preferred by the plaintiff in part, decreeing his suit only qua residential house marked as ABCD in the site



plan.

9. Counsel for the appellant is not in a position to dispute that the source of property in the hands of Chanan Singh could not be proved. Plaintiff having failed to prove that the property in the hands of Chanan Singh devolved upon him by way of survivorship, the Courts below dismissed the suit filed by the plaintiff.

10. Mr. Kakkar is not in a position to dispute that the source and the mode of devolvment of land on Chanan Singh, i.e. the executant of transfer deeds and father of the plaintiff could not be proved.

11. In view thereof, this Court finds no reason to interfere in the well reasoned findings recorded by the Courts below.

12. Finding no merits in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

23.04.2026

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Whether speaking/reasoned : Yes

Whether Reportable : No