

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**RSA-4443-2025 (O&M)
Date of decision: 10.03.2026

Mohan Kaur and others

...Appellants

Versus

Avtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. J.S. Jaidka, Advocate for the appellants.

DEEPAK GUPTA, J. (ORAL)

The plaintiffs are before this Court in the present Regular Second Appeal assailing the concurrent findings recorded by both the Courts below. The suit filed by the plaintiffs seeking declaration of ownership and permanent injunction in respect of the suit property was dismissed by the learned trial Court vide judgment and decree dated 20.07.2019, whereas the cross-suit filed by defendant Darshan Singh seeking possession was decreed. The appeals preferred by the plaintiffs were also dismissed by the learned First Appellate Court vide judgment and decree dated 20.09.2025.

2. The case set up by the plaintiffs was that they were exclusive owners in possession of the suit property shown in yellow colour in the site plan and forming part of Khasra No.118 comprised in Khata No.171/184 as entered in the jamabandi for the year 2005-06. It was pleaded that an oral family settlement had taken place in October 1995, whereby the residential accommodation of the parties was divided and each party started residing in its respective portion. According to the plaintiffs, they and defendant No.1 had relinquished their share in the agricultural property and had constructed their residential house over the suit property. It was alleged



that defendant Darshan Singh and his sons later started threatening the plaintiffs to vacate the property and had also obtained their signatures under police pressure on a writing dated 05.04.2011.

3. The defendants contested the suit by disputing the site plan relied upon by the plaintiffs and asserting that the portion in dispute actually fell to their share in the family partition. According to them, since they were residing abroad, the plaintiffs were permitted to use the property merely as licensees to look after the same. It was further pleaded that when the plaintiffs started asserting ownership rights, the matter was brought before the Gram Panchayat, which directed the plaintiffs to vacate the property. The defendants claimed that the licence granted to the plaintiffs had already been terminated.

4. During the pendency of the dispute, two civil suits came to be filed between the parties regarding the same property. In the suit filed by Mohan Kaur and others, declaration and injunction were sought, whereas in the suit filed by Darshan Singh and others, possession of the property was claimed. Both suits were consolidated and decided together by the trial Court.

5. Upon appreciation of the evidence, the learned trial Court dismissed the suit filed by Mohan Kaur and others, and decreed the suit filed by Darshan Singh and others, by directing the plaintiffs to hand over vacant possession of the property. The appeals preferred by Mohan Kaur and others were dismissed by the learned First Appellate Court through a common judgment dated 20.09.2025, affirming the findings of the trial Court.

6. Learned counsel for the appellants has contended that the Courts below have erred in appreciating the evidence on record and have



wrongly relied upon the alleged compromise dated 05.04.2011, which, according to the appellants, was not signed by Mohan Kaur herself.

7. I have heard learned counsel for the appellants and perused the record.

8. From the evidence on record, it emerges that the suit property originally belonged to Dalip Singh and after his death, it was inherited by his sons including Darshan Singh. The relationship between the parties is not in dispute. The controversy essentially relates to the ownership and possession of the portion of the property shown in red and yellow colours in the site plan.

9. The learned First Appellate Court has extensively examined the evidence of the parties. From the cross-examination of Mohan Kaur and the witnesses produced by the plaintiffs, it has been noticed that the plaintiffs were unable to produce any documentary evidence establishing their ownership over the suit property. Even the alleged family settlement of the year 1995 was not supported by any written document. The witnesses themselves admitted that no written document regarding partition or transfer of ownership had ever been executed.

10. Significantly, Mohan Kaur admitted during her cross-examination that the red portion of the property belonged to Darshan Singh. The witnesses examined by the plaintiffs also acknowledged that Darshan Singh had a share in the property inherited from Dalip Singh. These admissions clearly undermine the claim of exclusive ownership raised by the plaintiffs.

11. On the other hand, the evidence led by the defendants established that Mohan Kaur and her sons were merely permitted to use the property, when the defendants were residing abroad. Their possession



was thus permissive in nature. It is well settled that possession of a licensee is permissive and does not confer any ownership rights unless a valid transfer of title is proved.

12. The Courts below have also taken note of the compromise dated 05.04.2011, wherein Mohan Kaur and her sons agreed to vacate the property. Even though it has been argued that Mohan Kaur herself did not sign the compromise, it is an admitted position that her sons had signed the same and they were also parties to the suit. The existence of such compromise further reinforces the conclusion that the plaintiffs were occupying the property without any proprietary right.

13. The findings recorded by the Courts below clearly indicate that the plaintiffs failed to prove any valid transfer of ownership in their favour. Mere long possession or construction over the property cannot by itself confer ownership, particularly when the possession is permissive and the title of the true owner remains intact.

14. It is also a settled principle of law that the burden of proving ownership lies upon the party asserting it. In the present case, the plaintiffs have failed to discharge this burden. In contrast, the defendants have successfully established their entitlement to possession on the basis of title inherited from Dalip Singh.

15. Furthermore, the present appeal arises under Section 100 of the Code of Civil Procedure, where the jurisdiction of this Court is confined to examining substantial questions of law. Concurrent findings of fact recorded by the Courts below cannot be interfered with unless they are shown to be perverse or based upon misreading of evidence.

16. In the present case, the findings recorded by both the Courts below are based upon a detailed appreciation of the oral and documentary



evidence on record. The conclusions drawn by the Courts below cannot be said to be suffering from any illegality, perversity or misreading of evidence. Learned counsel for the appellants has not been able to point out any substantial question of law arising from the impugned judgments.

17. Consequently, this Court finds no reason to interfere with the concurrent findings recorded by the Courts below.

18. Resultantly, finding the present appeal to be devoid of merit, the same is dismissed.

10.03.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No