

PBFZ020040572023



Presented on : 12-09-2023
 Registered on : 12-09-2023
 Decided on : 16-07-2025
 Duration : 1 years, 10 months, 4 days

IN THE COURT OF
Civil Judge Junior Division-5 AT Ferozepur, Ferozepur
Presided Over by Ms. Amandeep Kaur Rathor

CS/1615/2023

Gurcharan Singh son of Inder Singh, resident of Village Ali Ke,
 Ferozepur, Tehsil & District Ferozepur.

.....Plaintiff.

Versus.

1. Jagdev Singh son of Kashmir Singh,
2. Kashmir Singh son of Sheera,
3. Sukhdev Singh son of Kashmir Singh,
4. Balkar Singh son of Thakar Singh,
5. Kashmir Singh son of Mukhtiar Singh, all residents of Village Ali Ke,
 Tehsil & District Ferozepur.
6. Tara Singh,
7. Shankar Singh both sons of Sahib Singh, both residents of Village Kot
 Umra Jagraon, District Ludhiana.

.....Defendants

Civil suit for permanent injunction to restraining the
 defendants from interfering into the peaceful and lawful
 possession of plaintiff over suit land comprised in Rect
 no.109 killa no. 17(8-0) situated at Village Dulchi Ke, Tehsil
 & District Ferozepur on the basis of oral and documentary
 evidence.

Present:

Sh. Gulshan Rai Monga, Advocate counsel for plaintiff.

Sh. Baltej Singh Kesar, Advocate counsel for defendant no. 1

Defendants no. 2 to 7 exparte vide order dated 30.05.2024.

JUDGMENT

1. The present suit has been filed by plaintiff against defendants for permanent injunction, as fully detailed in the head note of the plaint.

2. Succinctly, the assertions made in the plaint are that land in question is owned by Provincial Government and is in possession of plaintiff. Plaintiff is enjoying possession of suit land continuously and uninterruptedly. It is further submitted that entries of khasra girdawari are being recorded in the name of plaintiff in revenue record. Plaintiff transferred the possession of suit land to Daljit Singh. But said Daljit Singh has given (surrendered) possession to plaintiff through agreement of possession dated 03.02.2023. Said agreement was duly notarized. Defendants have got no right or concern with land in question. Defendants threatened plaintiff to interfere into his lawful and peaceful possession. Plaintiff approached and requested the defendants not to do so and not to take law in their hands, but defendants were adamant and they did not pay any heed to request of plaintiff. Hence the present suit.

3. Upon notice, defendant no. 1 has filed written statement taking preliminary objections on the ground of maintainability, cause of action and suppression of material facts. **On merits**, ownership of provincial Government and possession of plaintiff over suit property in dispute is denied. It is also denied that entries in khasra girdawari are recorded in the name of plaintiff. Rest of the averments of the plaint regarding alleged illegal threat by him in the alleged possession of plaintiff and surrender of possession of land in dispute by Daljit Singh in favour of plaintiff are also denied. All the rest of the allegations are simply denied and prayer is made for dismissal of case.

4. From the pleadings of the parties, following issues were framed:-

1. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for? OPP.
2. Whether the suit of plaintiff is not maintainable in the present form?OPD
3. Whether the plaintiff has not come to the court with clean hands and suppressed facts from the court?OPD.
4. Whether the plaintiff has got no cause of action to file the present suit?OPD
5. Relief.

5. However, despite availing numerous effective opportunities, plaintiff failed to lead any evidence, either oral or documentary,

whatsoever. Even he himself did not care to step into the witness box to substantiate his claim. Perusal of the file reveals that issues were framed in the present case on 10.12.2024 but neither the plaintiff examined himself nor any other witness was examined by him despite availing sufficient opportunities for evidence. Today, the case of plaintiff was fixed for plaintiff evidence subject to last opportunity, but despite this fact, plaintiff has not led any evidence. Learned counsel for plaintiff requested for another adjournment to lead plaintiff evidence, without showing any sufficient ground. Since, it is evident from the file itself that sufficient opportunities were already given to plaintiff to conclude his evidence as per law but he has failed to lead any evidence, as such, without finding any feasible ground to again adjourn the present case for evidence of plaintiff, his evidence is closed by order.

6. This court has heard learned counsels for both the parties and has gone through the file carefully with their able assistance.

7. Perusal of the file reveals that plaintiff has not led any evidence to prove the averments of plaint. Even he has not examined himself. It is well settled that plaintiff has to stand on his own legs, but in the present case, plaintiff has not dared to step into the witness box to substantiate the pleas taken by him in the plaint. It is settled position of

law that pleadings are not the Gospel truth, which can be believed straightway. Rather, reliance can be placed upon it only if the same are substantiated through evidence. In this regard, **Hon'ble Apex Court** has held in **Ishwar Bhai Patel Vs. Harihar Bahera 1999(2) C.C.C. 01 (S.C.)** that *party not entering into witness box to make statement on oath in support of his pleadings, adverse inference would be drawn that what he has stated in the pleadings is not correct*. As such, on the basis of law laid down by Hon'ble Supreme Court, it can be validly concluded that plaintiff has failed to prove his case.

8. In the light of aforesaid discussion, the suit of plaintiff fails and the same is hereby dismissed with cost under Order 17 Rule 3 CPC. Keeping in view the facts and circumstances of this case, plaintiff is left to bear his own cost. Decree sheet be prepared accordingly and file be consigned to the record room after due compilation.

Sd/-

Pronounced in open court:
Dated:16.07.2025

(Amandeep Kaur Rathor)
Civil Judge (Jr. Divn)
Ferozepur.

Indu stenographer Gr.II
(Direct Dictation on computer)

(UID No.PB-0663)