

**IN THE COURT OF SURYA CHANDER KANT, CIVIL JUDGE  
(SENIOR DIVISION), NARNAUL (UID No.HR0225)**

**CNR No. : HRNR02-000704-2016**  
**CIS No. : CS/1356/2016**  
**Civil Suit No. : 211 of 2016**  
**Date of Institution : 30.05.2012/19.05.2016**  
**Date of Decision : 30.05.2019**

1. Naresh Kumar Sanghi son of Banwari Lal Sanghi son of Ram Richpal Sanghi.
2. Sandeep Kumar Sanghi son of Narayan Dass Sanghi son of Banwari Lal Sanghi.
3. Rajesh Kumar Sanghi son of Narayan Dass Sanghi son of Banwari Lal Sanghi, all by caste Mahajan, residents of Gali Mohini Talkies, Town Narnaul, Tehsil Narnaul, District Mohindergarh.
4. Satya Narayan son of Hari Ram son of Gopi Ram, Caste Vaishya, resident of Mohalla Chanduwara, Narnaul, Tehsil Narnaul, District Mohindergarh (Haryana).

Plaintiffs.

Versus

1. Ranveeranand Maharaj alleged Chela Krishnanand Maharaj alleged Chela Brahmanand Maharaj, alleged Mohatmim/Manager Kacchagarh Swarg Aashram, Near Gaushala, Narnaul, Tehsil Narnaul, District Mohindergarh.
2. Surender Kumar son of Hari Ram son of Gopi Ram, resident of Mohalla Chanduwara, Narnaul, alleged President of alleged Trust Shri Garhpateshwar Kachagarh, near Gaushala, Narnaul, Tehsil Narnaul, alleged Mohatmim/Manager of Murti Mahadev Ji situated Mandir Mahadev Ji at Talab Laxman Sagar, Narnaul, Tehsil Narnaul, District Mohindergarh.

Defendants.

**SUIT FOR PERMANENT INJUNCTION**

**Argued by.** Sh. K.C. Saini, Sh. Ajay Kumar Pandey and Sh. N.C. Sanghi, Advocates for plaintiffs.  
Sh. Vijay Anand, Advocate for defendant no.1.  
Sh. V.K. Sanghi, Advocate for defendant no.2.

**JUDGMENT**

The plaintiffs have filed the present suit seeking relief of permanent injunction against the defendants so as to restrain them from interfering in the ownership, possession, cultivation, user and enjoyment over the property comprised in khewat no.166 min 239 min khasra no.2675 measuring 0 bigha 13 biswa and also from raising any kind of construction over the suit property and from taking forcible possession of any part of the suit property.

2. Brief facts, as averred by the plaintiffs which led to the filing of the present suit, are that they are exclusive owners in possession as per their respective shares over the suit property as per jamabandi for the year 1989-90. That the suit property was initially owned by government (Sarkar Daulatmadar) and the same was purchased by Mannu Lal for total sale consideration of Rs.3-15  $\frac{3}{4}$  aana. That mutation in this regard was also sanctioned and attested in favour of Mannu Lal in or around 1907 AD. Later on the suit property

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

along with some other property was purchased by one Karim Baksh vide registered sale deed. Mutation was also sanctioned in his favour. Thereafter the afore-said Karim Baksh died and he was succeeded by his widow Mussma Khaira. That property was later on purchased by Har Parshad vide registered sale deed and mutation no. 11910 was attested and sanctioned in his favour. On death of Har Parshad the property was inherited by his adopted son Jagan Parsad and mutation no.3927 was sanctioned in favour of Jagan Parshad. When Jagan Parshad died his estate was inherited by his sons Rameshwar Dayal and Parhlad Kishan vide mutation no. 6928. Later on suit property fell to the share of Rameshwar Dayal in partition and mutation no. 7224 in this regard was sanctioned on 10.06.1959. After death of Rameshwar Dayal his heir namely Shri Kishan and others inherited the property and mutation no. 8677 dated 04.12.1980 was sanctioned. After some time Sada Kaur widow of Rameshwar Dayal also died and her share was also inherited by Shri Kishan and others. In this regard mutation bearing no.10258 dated 12.03.1996 was sanctioned. Imarti daughter of Rameshwar Dayal also died and her share was inherited by Yogender and others. Mutation of inheritance is 10259 dated 12.03.1996. That Ramotar son of Rameshwar Dayal and others sold a part of the suit property i.e. 11/24 share measuring 6 biswa in favour of Naresh

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

Kumar vide registered sale deed no.1749 dated 20.11.1997. Mutation bearing no.10875 dated 04.01.2000 was sanctioned in favour of Naresh Kumar. Naresh Kumar sold part of the suit property to plaintiffs no.2 and 3 vide registered sale deed no.1552 dated 13.01.1999. Mutation bearing no. 10876 dated 04.01.2000 was sanctioned in this regard. Thereafter Shree Kishan and Rameshwar Dayal and others sold the remaining part of the suit property i.e. 13/24 share in the total land in favour of plaintiff no.1 vide registered sale deed no. 1888 dated 29.12.1999. Mutation regarding sale deed was sanctioned in favour of plaintiff no.1. That the plaintiffs are coming as exclusive owners in possession of the suit property measuring 13 biswa comprised in khasra no. 2675 by way of registered sale deeds in their favour. That the present plaintiffs are bona-fide purchasers for consideration and they are coming in exclusive, actual and physical possession over the suit property. That the defendants or any one else have no concern whatsoever with the ownership and possession of the suit property. That earlier defendant no.1 tried to grab the present suit property and he filed an application for correction of khasra girdawari against vendors of plaintiffs and present plaintiffs. Present plaintiffs got themselves impleaded as contesting respondents in that petition which was ultimately dismissed vide order dated 15.07.2008. That

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

there remains persistence dispute between defendant no.1 and 2 with regard to land comprised in khasra no. 2672, 2673, 2674 and 2676 which is recorded in the name of Mandir Mahadev Ji. In this regard litigation is also pending between the defendants. That the defendant no.2 filed a civil suit against the present plaintiffs and defendant no.1 and others bearing no. CS 53 of 2010. That defendant no.1 has also filed a civil suit against the present plaintiffs levelling false allegations against the plaintiff with an intention to obtain relief of injunction against the present plaintiffs but he could not succeed in the same. That defendant no.1 had earlier got khasra no. 2672, 2673, 2674 and 2676 demarcated and located by Local Commissioner vide demarcation file no. 416 dated 06.12.2006. After demarcation it was found that the present plaintiffs are in possession over their own property only and they have not encroached upon any part of land allegedly owned by present defendants. That earlier defendant no.1 tried to raise illegal construction over the suit property whereupon an application was moved by the plaintiffs to SDO, Narnaul. The Naib-Tehsildar was directed to inspect the spot and submit his report. In his report it was stated that illegal construction was tried to be raised over the suit property but defendant no.1 accepted his guilt and confessed that he has tried to raise construction due to misrepresentation of facts.

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

That the present plaintiffs have got the suit property demarcated and located from Kanungo vide demarcation file bearing no.396/Paimaish/R.P. dated 19.04.2010. That the defendants keep on moving false applications and complaints against the plaintiffs but nothing came out against the plaintiffs in any inquiry. That FIR bearing no. 420 dated 15.05.2010 was registered at police station City, Narnaul against the defendants. That the defendants have no concern with the ownership and possession of the suit property but the intention of the defendants is to encroach upon the land of the plaintiffs. That several requests were made by plaintiffs to the defendants to refrain from their illegal intention but to no effect. Hence, the present suit.

3. Per contra the averments made by the plaintiffs the defendant no.1 filed written statement taking objections of maintainability, cause of action, barred by limitation, locus standi etc. On merits, it was submitted that the plaintiffs have no concern whatsoever with the suit property. That defendant no.1 is the manager of the suit property and the property adjoining it. That the answering defendant is organizing functions, Bhandara, Kirtan etc. in the temple. That the suit property was earlier part of khasra no. 3915 and 3916.

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

That out of these two khasra numbers after consolidation new numbers were carved out bearing no. 2672, 2673, 2674, 2675 and 2676. That other numbers were also carved out. That khasra no. 2675 was carved out of previous khasra no. 3915 and ever since the suit property is being used for organizing religious functions. That the alleged sale in favour of Mannu Lal son of Sheo Lal is illegal, null and void. That wrong entries were made in the revenue record by the revenue officials under the influence of those persons. The answering defendant specifically denied passing of title from Mannu Lal to other persons. It was also pleaded that all the revenue record and documents executed qua khasra no. 2675 are mere paper transaction. That Mannu Lal was never in possession of the suit property and the suit property is under the user and possession of the Mahant of Kacha Garh. The answering defendant specifically denied all the transactions which took place qua the suit property either in the form of execution of sale deed of property by way of passing of sale consideration or by way of inheritance. It was also stated that none of the alleged owners of the suit property was ever in possession of the suit property. It was further submitted that Naresh son of Banwari Lal was neither owner nor in possession of the suit property, therefore, sale deed executed in favour of plaintiffs no.1 to 3 is without any authority. The sale deed in favour

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

of plaintiff no.1 was also stated to be illegal and without any right, title or authority. The answering defendant further submitted that he is coming in possession over the suit property and prior to him his predecessor-in-interest were in possession of the suit property. That since the answering defendant is in possession of the property and he is using the same for organizing religious festivals, therefore, no question arises of grabbing the suit property by defendant no.1. That the plaintiffs want to usurp the valuable commercial property. That defendant no.2 has no concern whatsoever with the management of the trust. That any settlement between the plaintiffs and defendant no.2 shall not be binding upon the rights of the defendant no.1. That the plaintiffs tried to forcibly take over the possession of the suit property but their attempt failed due to the timely intervention by defendant no.1. That the plaintiffs have procured wrong demarcation reports because none of the demarcation was conducted in accordance with the directions of the Hon'ble Punjab & Haryana High Court and guidelines issued by Financial Commissioner, Haryana. The answering defendant denied this fact that he ever tried to raise illegal construction over the suit property. That vide order dated 05.10.2010 the demarcation report was held to be without any effect by the Court of learned Addl. District Judge, Narnaul. The answering defendant



**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

also denied this fact that the plaintiffs have collected building material at the spot. It was also stated that whatever building material is lying at the spot that belongs to the followers of the Aashram and not the plaintiffs. A prayer was made for dismissal of the present suit.

4. The defendant no.2 filed a separate written statement taking objections of maintainability, estoppel by act and conduct, barred by limitation, etc. On merits, it was submitted that the plaintiffs were neither owners nor in possession of the suit property. That the revenue record to the extent of suit property is wrong and liable to be corrected. That in the jamabandi for the year 1932 B.K. the area of khasra no.3915 was 4 bigha 11 biswa. That at the time of settlement three khasra numbers bearing no.2675, 2676 and 2677 were carved out of khasra no.3915. That the area of khasra no.2675 has been wrongly mentioned as 13 biswa because area of khasra no. 2677 is 4 bigha and that of 2676 is of 2 bigha therefore the area of khasra no. 2675 cannot be more than 9 biswa. That khasra no. 2677 measuring 4 bigha is now in the ownership of Gopal Gaushala and 2676 measuring 2 bigha is in the possession of Shri Garhpateshwar Kachagarh Dharmarth Trust, Narnaul. That it is wrong to allege that Mannu Lal purchased land of khasra no. 2675 because neither there is any sale

certificate nor any sale deed in favour of Mannu Lal. That mutation bearing no. 2321 and 2322 are also wrong, illegal, null and void. That when Mannu Lal himself was not owner in possession of khasra no. 2675, therefore, he could not have passed a better title in favour of Karim Bakash. The answering defendant denied all the averments with regarding to passing of title to suit property from Mannu Lal to the present plaintiffs through several intermediate steps. It was also submitted that all the sale deeds and mutations are mere paper transactions. The answering defendant specifically denied possession of the plaintiff over the suit property. That khasra no. 2675 measuring 9 biswa was abutting Chhalak River. That when new temple, pond and tibara etc. were constructed, passage comprised in khasra no. 2676 could not be used due to Chhalak River. That similarly after construction of Gaushala in khasra no. 2677 a passage was required for ingress and outgress. Resultantly, the land situated towards the eastern side of Chhalak River was being used as passage. That at present a road has been constructed by Municipal Council abutting Chhalak River. Resultantly, at present the land comprised in khasra no.2675 has reduced even from 9 biswa. That whatever area of khasra no. 2675 is available, the same is used for grazing of cattle of Gopal Gaushala. Moreover, at the time of religious festival the land

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

comprised in khasra no. 2675 is used by the worshipers and visitors. That it is wrong to allege that the plaintiffs are in possession over the suit property. That there is no dispute between defendant no.1 and 2 because as per the revenue record the land recorded in the ownership of Sh. Gadhpatheshwar Kachagarh, Dharmarth trust is being managed by the trust. That defendant no.2 is the president of trust. That defendant no.2 had to file a suit against the plaintiffs because under the garb of sale deed and revenue entries, the plaintiffs were interfering in the suit property and the property under the management of defendant no.1. That the alleged demarcation reports relied upon by the plaintiffs are not reliable because neither there is any aks-shizra nor Khatoni Pamiesh for the purpose of demarcation. That whatever demarcation reports have been prepared were prepared by guess work as no pucca points were available. That the defendant no.2 was never served any notice of demarcation. The remaining averments were specifically denied by the answering defendants. A prayer was made for dismissal of the present suit.

5. Replication was not filed. From the pleadings of the parties, the following issues were framed on 09.04.2013 by Sh. Kunal Garg, the then learned Civil Judge (Jr. Divn.), Narnaul:-

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

1. Whether the plaintiffs are entitled to a decree of permanent injunction as prayed on the ground as mentioned in the plaint? OPP
2. Whether suit is maintainable in the present form? OPD
3. Whether the plaintiffs have no cause of action and locus standi to file the present suit? OPD
4. Whether the plaintiffs are estopped to file the present suit by their own act and conduct? OPD
5. Whether suit is time barred? OPD
6. Whether defendants are entitled to get special cost? OPD

Relief.

6. In order to prove their case, the plaintiffs got examined plaintiff no.1 Naresh Kumar Sanghi as PW1, Ram Chander Registration Clerk as PW2, Ravi Shankar Bhardwaj, deed writer as PW3, Roshan Lal Gaur deed writer as PW4, Vinod Kumar Sharma, clerk DC office, Narnaul as PW5, Sarjeet Singh clerk record room DC office, Narnaul as PW6, Satyanarayan as PW7 and also tendered the following documents:

|       |   |                                            |
|-------|---|--------------------------------------------|
| Ex.P1 | : | Sale deed bearing no.361 dated 13.01.1999  |
| Ex.P2 | : | Sale deed bearing no.458 dated 27.12.1999  |
| Ex.P3 | : | Sale deed bearing no.1749 dated 20.11.1997 |

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

- Ex.P4 : Copy of khasra girdawari
- Ex.P5 : Site plan
- Ex.P6 : Copy of mutation no. 2311 and 2322 in Urdu
- Ex.P6/T : Hindi translation of mutation no. 2311 and 2322
- Ex.P7 : Copy of mutation no.9 in Urdu
- Ex.P7/T : Hindi translation of mutation no. 9
- Ex.P8 : Copy of mutation no.1910 in Urdu
- Ex.P8/T : Hindi translation of mutation no.1910
- Ex.P9 : Copy of mutation no.3927 in Urdu
- Ex.P9/T : Hindi translation of mutation no.3927
- Ex.P10 : Copy of mutation in Punjabi
- Ex.P11 : Copy of mutation no. 8477
- Ex.P12 : Copy of mutation no. 10874
- Ex.P13 : Copy of mutation no.10876
- Ex.P14 : Copy of Pamaish report
- Ex.P15 : Copy of letter dated 19.04.2010
- Ex.P16 : Copy of application for demarcation moved by Naresh Kumar Sanghi and Sandeep Kumar Sanghi
- Ex.P17 : Copy of letter dated 04.01.2012
- Ex.P18 : Copy of letter dated 29.12.2011
- Ex.P19 : Copy of order dated 17.07.2008 passed by Assistant Consolidation Officer, Narnaul in case no. 24/07 of 27.07.2007
- Ex.P20 & : Copy of order dated 02.06.2010 passed  
Ex.P21 in civil suit no.53/2010 titled Murti Mahadev Ji Vs. Naresh Kumar Sanghi and others
- Ex.P22 : Copy of judgment dated 05.10.2010 passed in Civil Misc. Appeal no.112 of 2010 titled Murti Mahadev Ji Vs.

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

|                  |                                                                                                                             |
|------------------|-----------------------------------------------------------------------------------------------------------------------------|
|                  | Naresh Kumar Sanghi and others                                                                                              |
| Ex.P23           | : Copy of order dated 20.04.2011 passed by Hon'ble High Court in Civil Revision No.7343 of 2010                             |
| Ex.P24           | : Copy of jamabandi for the year 1984-85                                                                                    |
| Ex.P25           | : Copy of jamabandi for the year 1979-80                                                                                    |
| Ex.P26           | : Copy of jamabandi for the year 1969-70                                                                                    |
| Ex.P27           | : Copy of mutation no.9227                                                                                                  |
| Ex.P28           | : Copy of mutation no. 1224                                                                                                 |
| Ex.P29 to Ex.P32 | : Copies of mutation no. 9228                                                                                               |
| Ex.P33           | : Copy of jamabandi for the year 1989-90                                                                                    |
| Ex.PW4/A         | : Copy of sale deed bearing no.66 dated 16.04.2014                                                                          |
| Ex.PW5/A         | : Copy of letter dated 29.12.2011                                                                                           |
| Ex.PX            | : Copy of order dated 09.06.2015                                                                                            |
| Ex.PY            | : Copy of mutation no. 17494                                                                                                |
| Mark PA          | : Copy of mutation no.10258                                                                                                 |
| Mark PB          | : Copy of mutation no.10259                                                                                                 |
| Mark PC          | : Copy of Form A of RTI Act                                                                                                 |
| Mark PD          | : Copy of order dated 06.12.2006                                                                                            |
| Mark PE          | : Copy of demarcation report, list of persons present at the spot at the time of demarcation and complaint dated 27.12.2006 |
| Mark PF          | : List of persons present at the spot at the time of demarcation                                                            |
| Mark PG          | : Copy of letter dated 18.11.2011                                                                                           |
| Mark PH          | : Copy of site plan                                                                                                         |
| Mark PJ          | : Copy of FIR No.420 dated 15.12.2010                                                                                       |
| Mark PK          | : Copy of mutation no. 10875                                                                                                |

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

7. Thereafter, the learned counsel for the plaintiffs closed evidence vide his separate statement dated 24.10.2016.

8. On the other hand, the defendants got examined Ranveeranand, defendant no.1 as DW1, Sub Inspector Sube Singh as DW2, Raja Ram Record Keeper as DW3, Sh. Subh Ram Saini, Advocate as DW4, Sh. Shyam Sunder Sharma, Advocate as DW5, Sh. Rao Krishan Mehta, Advocate as DW6 and also tendered the following documents:

- Ex.D1 : Copy of written statement filed in civil suit no.460 of 10 titled Murti Mahadev Ji Vs. Naresh Kumar Sanghi etc.
- Ex. DA : Copy of mutation no.2428 in Urdu
- Ex.DA/T : Hindi translation of mutation no.2428
- Ex. DB : Copy of mutation no.2430 in Urdu
- Ex.DB/T : Hindi translation of mutation no. 2430
- Mark D1 : Copy of agreement to sell dated 28.03.2012 regarding 7 biswa land
- Mark D2 : Copy of agreement to sell dated 28.03.2012 regarding 6 biswa land
- Mark D3 : Copy of complaint made by Mahant Ranveeranand against Narender Singh Dhankhar etc.
- Mark D4 : Copy of information sought through RTI Act
- Mark D5 : Copy of letter dated 06.09.2011
- Mark D6 : Copy of order dated 02.05.2012 passed by DC, Narnaul

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

- Mark D7 to : Newspaper cuttings  
Mark D10
- Mark D11 : Copy of reply filed in complaint under  
Section 107/151 Cr.P.C.
- Mark D12 : Copy of order dated 02.05.2012 passed  
by Deputy Commissioner, Narnaul.
- Mark D13 : RTI information
- Mark D14 : Photograph of Mahant Bharmanand Ji  
Maharaj
- Mark D15 : Newspaper cuttings  
&  
Mark D16
- Mark D17 : Electricity bills/receipts  
to  
Mark D19
- Mark D20 : Photocopy of Photograph of Mahant  
Bharmanand Ji Maharaj
- Mark D21 : Photocopy of newspaper cutting
- Mark D22 : Photocopy of site plan
- Mark D23 : Photographs  
to  
Mark D25
- Mark D26 : Photocopy of cheque
- Mark D27 : Copy of ration card
- Mark D28 : Election identity card of Krishnanand
- Mark D29 : Copy of ration card
- Mark D30 : Death certificate of Krishnanand
- Mark D31 : Copy of house tax assessment register
- Mark D32 : Copy of some writing in Urdu
- Mark D33 : Copy of application dated 14.01.1963  
moved by Barhmanand
- Mark D34 : Statement of Barhmanand dated  
14.02.1965
- Mark D35 : Copy of writing regarding leasing out



**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

to of property pertaining to Kachagarh,  
Mark D37 Narnaul  
Mark D38 : Copy of water testing report.  
Mark D39 : Copies of Khasra Kistwar  
&  
Mark D40  
Mark D41 : Copy of site plan  
Mark D42 : Copy of mutation no. 1881  
Mark D43 : Copy of mutation no. 2428  
Mark D44 : Copy of written statement filed in Civil  
Suit no.460 of 10/15 titled as Murti  
Mahadev Ji Vs. Naresh Kumar Sanghi  
etc.

9. Thereafter, the learned counsel for the defendants have closed the evidence on behalf of defendants vide their respective separate statement.

10. No rebuttal evidence has been led by learned counsel for the plaintiffs and the same has been closed.

11. I have heard learned counsel for both the parties and gone through the case file very carefully. My issue-wise findings are as under:

**ISSUE NO.1:**

12. The onus to prove this was upon the plaintiffs. The

learned counsel for the plaintiffs has argued that the plaintiffs are owners in possession of the suit property which they have purchased by way of registered sale deeds. He argued that the defendants are trying to encroach upon the suit property whereas the defendants have no right, title or authority over the suit property. He argued that the title of the plaintiffs is based upon the registered document and the defendants have not produced even a single document to rebut the documents produced on record by the plaintiffs. He further argued that the suit property was got demarcated by the defendants and the land of the defendant is different than the suit property. He argued that even in the written statement filed by the defendants it has been nowhere alleged that the defendants are owners in possession over the suit property. That the plaintiffs also got the suit property demarcated and it was reported that the suit property is complete at the spot and neither the plaintiffs have encroached upon the property of the defendants nor the defendants are in possession of the suit property. He argued that the suit property is lying at the spot in form of a vacant plot.

13. Now, to prove their case the plaintiffs got examined Naresh Kumar Sanghi as PW1 who deposed by way of his sworn

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

affidavit and reproduced the averments of the plaint. He proved on record documents Ex. P1 to Ex. P32 and produced documents which are Mark PA to PK.

14. Ram Chander Registration Clerk, Tehsil Officer, Narnaul was examined as PW2, who produced on record the summoned record of Vasika No.1888 dated 29.12.1999, Vasika no.1552 dated 13.01.1999, vasika no. 1749 dated 20.11.1997 and vasika no. 66 dated 16.04.2014.

15. Ravi Shankar Bhardwaj deed writer was examined as PW3, who deposed that Sh. Musadi Lal Bhardwaj is his father who is aged 90 years. He deposed that he has seen him writing and signing documents and he identified his signatures on vasika no.1552 and vasika no.1888 and proved the same as Ex.P1 and Ex.P2 respectively.

16. Roshan Lal Gaur was examined as PW4, who proved sale deed no. 66 dated 16.04.2014. He deposed that the sale deed was executed as per the instructions of the parties and the same is Ex.PW4/A.

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

17. Vinod Kumar Sharma Clerk office of Deputy Commissioner, Narnaul was examined as PW5, who deposed that certified copy of letter dated 29.12.2011 is Ex. PW5/A.

18. Sarjeet Clerk, Record Room, Narnaul was examined as PW6, who deposed that he has brought the summoned record of demarcation file no.391 dated 19.04.2010 and file no. 48 dated 10.08.2011 and the attested copies of both the documents are Ex. P13 and Ex. P16 which are correct as per the record.

19. Satyanarayan was examined as PW7, who is plaintiff in the present case. He deposed that earlier plaintiffs no. 1 to 3 were recorded as owners of suit property vide sale deed no. 66 dated 16.04.2014. He has purchased the suit property measuring 13 biswa. He further deposed that the defendants are trying to encroach upon the land of the plaintiffs.

20. On the other hand, learned counsel for defendant no.1 has argued that the plaintiffs have no concern whatsoever with the suit property and all the documents qua the suit property in the form of previous sale deed and revenue record are illegal, null and void being

forged record. He argued that the predecessor-in-interest of the present plaintiffs namely Mannu Lal was never recorded as owner in possession of the suit property because neither any sale deed was executed in his favour nor any sale certificate was issued in his favour by the government which was recorded as owner of the suit property. He argued that when the very basis of the title of the plaintiffs is disputed it cannot be said that the plaintiffs have become owners of the suit property on the basis of some sale deeds. He also argued that the plaintiffs have claimed themselves to be bona fide purchaser of suit property, therefore, it is an admission on their part that the title of their vendor was not perfect. He also argued that the area of land mentioned as 13 biswa as comprised in khasra no.2675 is also not correct because only 9 biswa land was left after carving out remaining khasra numbers out of the previous khasra bearing nos.3915 and 3916. He argued that the alleged demarcation cannot be looked into or relied upon because the demarcation was not carried out as per the instructions contained in High Court Rules and Orders and guidelines framed by the Financial Commissioner, Haryana. He argued that the suit property was always and is still in the possession, user and enjoyment of defendant no.1. He also argued that the present suit is collusive between the plaintiffs and defendant no.2 because

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

plaintiff no.4 is the real brother of defendant no.2. The defendant no.1 himself appeared into the witness box as DW1 and he deposed by way of his sworn affidavit Ex.DW1/A. He reiterated the facts of the stand taken by him in the written statement.

21. SI Sube Singh was examined as DW2, who deposed that summoned record is not in his possession and the same is lying in DRK branch SP Office, Narnaul. He deposed that he was Investigating Officer (partly) of FIR No.420 dated 15.12.2010. He deposed that as per his investigation there was no evidence regarding the allegations levelled in the FIR. He further deposed that this fact was confirmed by the DC office that no sale certificate was issued regarding khasra no.2675.

22. Raja Ram, Record Keeper to Civil Judge (Sr. Divn.), Narnaul was examined as DW3 who deposed that he has brought the summoned record of case file titled as Surender Kumar Versus Ranveeranand Maharaj. He proved on record the certified copy of the order which is Ex. DW3/A.

23. Sh. Subh Ram Saini, Advocate was examined as DW4,

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

who deposed that he has seen the photocopies of sale deed dated 28.03.2012 and the documents bears his seal and signature.

24. Sh. Shyam Sunder Sharma, Advocate was examined as DW5, who deposed that he is practicing as an advocate in District Courts, Narnaul for the last many years and he has seen the disputed property. He deposed that defendant no.1 is performing the religious functions in the temple being Mohatmim. He further deposed that for the last few years the adjoining property which is the suit property is in the notice of the land grabbers who are trying to usurp the same. He deposed that no formal sale was ever executed in favour of any person.

25. Sh. Rao Krishan Mehta, Advocate was examined as DW6, who also deposed on the same lines as stated by DW5.

26. The learned counsel for defendant no.2 did not advance the arguments against the claim of the plaintiffs and submitted that they have verified claim of the plaintiffs and they are satisfied that the plaintiffs are the registered owners over the suit property. He did not produce any witness in support of the averments made by them in the

written statement filed by defendant no.2.

27. The plaintiffs have filed the present suit seeking relief of permanent injunction against the defendants so as to restrain them from interfering in the ownership, possession, cultivation, user and enjoyment over the property comprised in khewat no. 166 min 239 min khasra no.2675 measuring 0 bigha 13 biswa and also from raising any kind of construction over the suit property and from taking forcible possession of any part of the suit property.

28. During the pendency of the suit the suit property was sold by plaintiffs no. 1 to 3 to plaintiff no.4 and he was also impleaded as a party to the suit. The plaintiffs have filed the present suit simplicitor for permanent injunction against the defendants claiming themselves to be the registered owner of the suit property. Since plaintiffs no.1 to 3 have already sold the suit property to plaintiff no.4, therefore, the plaintiff no.4 is now the contesting plaintiff in the present suit. Since plaintiff no.4 derives his title from plaintiffs no.1 to 3, therefore this Court is to adjudicate the claim on the basis of title of plaintiffs no.1 to 3 and the status of the parties existing on the date of the filing of the present suit. The present suit is related to the property comprised in



khasra no.2675 measuring 13 biswa.

29. The plaintiffs have placed on record the documents to prove this fact that earlier Sarkar Daulatmand was recorded as owner of the suit property which was later on purchased by one Mannu Lal for sale consideration of Rs.3-15  $\frac{3}{4}$  aana. The relevant document in this regard is mutation bearing no. 2321 and 2322 which is Ex. P6 and its Hindi Translation is Ex. PW6/T. A perusal of this document makes it clear that there is an entry in the remarks column to the effect that land measuring 13 biswa which is part of khasra no. 3915 has been sold to Mannu Lal son of Shiv Lal for total sale consideration of Rs.3-15  $\frac{3}{4}$  aana. This document is basis of the title claimed by the plaintiffs to the suit property. Thereafter the suit property passed several hands and the documents in this regard were placed on record by the plaintiffs. From Mannu Lal the property came to Karim Baksh and mutation in this regard was sanctioned. Thereafter the property was ultimately purchased by plaintiffs no.1 to 3 who also sold the suit property to plaintiff no.4 during the pendency of the suit. The title of plaintiffs no.1 to 3 is based upon the registered sale deed in their favour. These sale deeds have been proved on record as Ex.P1 and Ex.P2. Both the sale deeds are registered documents.

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

30. On the contrary the defendant no.1 has not placed on record even a single document to prove any kind of right, title or interest qua the suit property. Although arguments were raised with regard to the area of khasra no. 2675 but there is no evidence on record to prove this fact that the area of the suit land which is mentioned as 13 biswa is factually wrong. Admittedly, this khasra number was carved out of khasra no. 3915 and 3916. Along with this khasra number several other khasra numbers were also carved out.

31. This Court is of the view that there is no evidence on record to prove this fact that the area of khasra no. 2765 was actually 9 biswa. Khasra no. 3915 was measuring 4 bigha 11 biswa and new khasra no. 2675 to 2677 were carved out out of khasra no. 3915. If it is presumed for the sake of arguments that the total area of these khasra numbers does not correspondence with the total area of the previous khasra numbers then also it is not possible to ascertain that area of which newly carved khasra number was wrongly mentioned because it is possible that the area of khasra no.2677 which is mentioned as 4 bigha might be 3 bigha 16 biswa and not 4 bigha actually as mentioned in the revenue record. This Court is of the view that the Court has to adjudicate the claim on the basis of concrete

evidence and merely preponderance is not sufficient when there is no corroborative evidence to substantiate the averments. The defendant no.1 has not been able to justify his claim over the suit property because admittedly Murti Mahadev Ji is recorded as owner of adjoining land comprised in khasra no. 2672, 2673, 2674 and 2676.

32. The defendant no.1 has stated that he is organizing religious functions over the suit property and the suit property is also used by the visitors and worshipers but what is the basis of their claim has not been explained. The learned counsel for the defendant no.1 has challenged the title of plaintiffs over the suit property but he himself has not been able to establish his claim over the suit property. On the contrary there are registered sale deeds in favour of the plaintiffs. There is no declaration against the plaintiffs to the effect that the entry in favour of Mannu Lal, their predecessor-in-interest is illegal, null and void. Till date there is no such finding recorded by any Court of competent jurisdiction in this regard.

33. The learned counsel for defendant no.1 has also argued that the plaintiff has lodged a complaint against defendant no.1 and has admitted this fact that the defendant no.1 has forcibly taken over

the possession of the suit property. He argued that vendors of plaintiffs have admitted this fact that the defendant no.1 is in possession of the suit property then simplicitor suit for permanent injunction is not maintainable. This Court is of the view that the argument advanced by learned counsel for defendant no.1 is not legally tenable because the suit property is a vacant site and it is settled principle of law that the possession follows title in case of vacant site. In **Fakira and another Vs. Mittul Mongia and others 2014(62) RCR (Civil) 501** it was held by Hon'ble Punjab & Haryana High Court that as per the settled possession of law, in the case of a vacant plot, possession follows ownership. In **Dharambir and others Versus Karan Singh (deceased) through his LRs and others 2018(4) PLR 278** it was held by Hon'ble Punjab & Haryana High Court that possession of a vacant piece of land always follows title. The attempt on the part of defendant no.1 to take over the possession forcibly cannot be termed as possession of defendant no.1 or any kind of interference regarding the possession of defendant no.1 over the suit property. The investigation made by police in this regard is of no relevance because the police cannot make any reference to the person in possession when the litigation is before a Civil Court. It is proved on record that several transactions of sales and inheritance had

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

taken place, till ultimately it came to the plaintiffs. In the revenue record also the name of the plaintiffs is also incorporated as owners in possession. The defendant no.1 has no document to support his claim. Even if it is presumed that the suit property was used by the defendant no.1 on a few occasions then also it cannot justify the claim of defendant no.1 over the suit property. The possession essentially follows the title in case of vacant plot. This Court is, therefore, of the view that the plaintiffs being the registered owner of the suit property are entitled to relief of injunction against the defendants. Issue no.1 is decided in favour of the plaintiffs and against the defendants.

**ISSUES No.2 TO 6 : -**

34. The onus to prove these issues was upon the defendants. During the course of arguments, these issues were not pressed for and hence, these issues are accordingly deemed to be given up being not pressed for. Resultantly, these issues are decided against the defendants and in favour of the plaintiffs.

**RELIEF: -**

35. Keeping in view the aforesaid findings on the issues no.1 to 4, the suit of the plaintiffs is **decreed with no order as to costs**

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

to the effect that the the defendants are restrained from interfering in the ownership, possession, cultivation, user and enjoyment over the property comprised in khewat no. 166 min 239 min khasra no. 2675 measuring 0 bigha 13 biswa and also from raising any kind of construction over the suit property and from taking forcible possession of any part of the suit property. Decree-sheet be prepared accordingly. File be consigned to the record room after due compliance.

**Pronounced in open Court:****30.05.2019**

**(Surya Chander Kant)**  
**Civil Judge (Senior Division),**  
**Narnaul. UID No.HR0225**

Note : This judgment contains 30 pages and each page has been checked and signed by me.

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul.30.05.2019

Vijaypal SG-II

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019

**Naresh Kumar Sanghi etc. Vs. Ranveeranand Maharaj etc.**

Present. Sh. K.C. Saini, Sh. Ajay Kumar Pandey and Sh. N.C. Sanghi, Advocates for plaintiffs.  
Sh. Vijay Anand, Advocate for defendant no.1.  
Sh. V.K. Sanghi, Advocate for defendant no.2.

Order pronounced. Vide my separate judgment of even date, the suit of the plaintiffs is **decreed with no order as to costs**.  
Decree-sheet be prepared accordingly. File be consigned to the record room after due compliance.

**Pronounced in open Court:  
30.05.2019.**

**(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. UID No.HR0225**

Vijaypal SG-II

(Surya Chander Kant)  
Civil Judge (Senior Division),  
Narnaul. 30.05.2019