

HRSO020003532018



Presented on : 26-02-2018
 Registered on : 26-02-2018
 Decided on : 23-07-2026
 Duration : 8 years, 4 months, 25 days

IN THE COURT OF
Civil Judge (Junior Division), Sonipat AT Sonipat, Sonipat
Presided Over by Ms. Arshbir Kaur Sandhu

CS/279/2018

Samunder son of Sabha Chand son of Nand Ram alias Nandey age 52 years,
 resident of Village Deepal Pur, Sub-Tehsil Rai, District Sonapat.

.....plaintiff

Versus

Municipal Corporation, Sonapat through its Commissioner

.....Defendant

SUIT FOR PERMANENT INJUNCTION

Present: Sh. S.P. Tyagi, Advocate for the plaintiff.
 Sh. Krishan Parkash, Advocate for defendant.

JUDGMENT:

The present suit has been filed by the plaintiff seeking decree for permanent injunction in favour of the plaintiff and against the defendants by restraining the defendants from, in any manner, interfering into the continuous, peaceful and long possession or the plaintiff over the suit property and also from dispossessing the plaintiff from the suit property except in due course of law.

2. Brief facts of the present case are that the father of the plaintiff Sabh Chand used to be in actual physical possession of the land mentioned in Khewat No. 615/41min Khatuni No. 751 and Khewat Nos. 757, 758, 855, 856 and 857 Rect. & Killa numbers _____ 30 _____ and _____ 45 _____
25 4 and 5
8-0 5-0 3-0

total measuring 16 kanals situated in the revenue estate of Village Deepal Pur, Sonapat as Gair Maurosi Batat Tihai since the time of his fore-fathers continuously and the land comprised in Khewat No. 410/398 Khata No. 512 Khewat No. 615/541 Khatuni No. 748 Rect. & Killa Nos.

_____ 31 _____ , _____ 31 _____
21/1 21/2
6-0 2-0

measuring 8 Kanals, situated in the revenue estate of Village Deepal Pur Sub-Tehsil Rai District Sonapat as Chakota Saal Tamam since the time of his fore-fathers quite continuously that one Ran Singh son of Nand Ram alias Nandey who is the real brother of Sabha Chand, father of the plaintiff that is uncle of the plaintiff gave this 8 Kanals of land to the plaintiff vide an oral family settlement and in this way after the death of his father Sabha Chand, the plaintiff is in possession of the suit land.

3. It is further asserted that the plaintiff has also installed a tube-well in the land in suit and also has planted a garden in the land comprised in Rect.

& Killa Nos. _____ 45 _____

4 and 5 which is very old one.

4. It is further asserted that it is pertinent to mention here that the possession of the father of the plaintiff over the suit property has been held by the Hon'ble Civil Court vide judgment and decree dated 31.05.2000 in a Civil suit No. 277/94 of 1990 as well as as by the court of C.T.M., Sonapat vide order dated 14.12.2000 in a case No. 17 CTS and after these judgments earlier the father of the plaintiff and at present the plaintiff has never been ejected from the suit property and thus the plaintiff is in actual physical possession over the land in suit since the time of his fore-fathers and to the knowledge of all including the previous Gram Panchayat Deepalpur (Sonapat) and now the defendant. It is essential to mention here that previously the suit property was under the Gram Panchayat of Deepalpur and now Gram Panchayat has been merged in Municipal Corporation, Sonapat and now the suit property is under the defendant since the year 2015.

5. It is further asserted that the father of the plaintiff has also filed a civil suit no. 415 of 1983 against the Gram Panchayat Deepalpur, Sonapat from taking forcible possession and the suit or said Sabha Chand was decreed in favour of the father of the plaintiff on the statement of counsel for the Gram Panchayat to the effect that the defendant is the Gram Panchayat will not dispossess Sabha Chand from the suit property forcibly and plaintiff is using the suit property for all intents and purposes including agriculture, tethering his

cattles and raising the construction thereon. Hence, the present suit.

6. On notice, defendants appeared before the Court and filed written statement taking preliminary objections regarding maintainability, cause of action, etc.. On merits, it is denied that the possession of the plaintiff is since the time of his forefather continuously rather the suit land has been used for common purposes by all the inhabitant of the village and the revenue entries running in the revenue record in favour of the plaintiff have been manipulated in collusion with the revenue staff hence these entires not binding on the rights of the Gram Panchayat. The rest of the contents of the plaint is specifically denied by the defendants. It has been prayed that suit may kindly be dismissed.

7. From the pleadings of the parties, following issues were framed on 02.07.2025:-

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

8. In order to prove his case, plaintiff has not examined any witness.

9. Thereafter, evidence on behalf of plaintiff was closed by court

order on 02.12.2025.

10. On the other hand, defendant has not examined any witness to prove his case.

11. Thereafter, learned counsel for defendant closed evidence on behalf of defendants on 22.07.2026.

Findings:-

On issue No. 1.

12. Onus to prove this issue is on plaintiff.

13. In the present case, no evidence is furnished on the record by the plaintiff to substantiate the assertions made in the plaint.

14. This Court imposes reliance *Three-Judge Bench Judgment passed by Hon'ble Supreme Court in Manager Reserve Bank of India, Bangalore Vs. S. Mani, (2005) 5 SCC 100* wherein it was held mere pleadings of a party cannot be treated as substitute for proof.

Non Examination as witness of the party pleadings-effect:-

15. *This court imposes reliance upon the verdict passed by Hon'ble Supreme Court in Adivekka Vs. Hanamavva Kom Venkatesh, AIR 2007 SC 2025 wherein held that "where a party to the suit does not appear in the witness box and sates his own case on oath and does not offer himself to be cross-examined by the other side, a presumption u/s. 114 (g) of the Evidence Act would arise that the case set up by him is not correct".*

Withholding material evidence & effect thereof:-

16. *This court imposes reliance upon the verdict passed by **Hon'ble Supreme Court in M/s Sri Ram Industrial Enterprizes Ltd. Vs. Mahak Singh, AIR 2007 SC 1370** wherein it was held that if a party withholds from court the best evidence or some material evidence (document) or witness, adverse presumption against such party can be drawn u/s. 114 (g) of the Evidence Act.*

17. Hence, issue No. 1 is decided against plaintiff and in favour of defendants as it not pressed and argued by the plaintiff.

ISSUES No. 2 to 4:

18. Onus to prove these issues was on the defendants.

Learned counsel for defendants have not led any oral evidence on these issues. Therefore, these issues are decided against the defendants, being not pressed.

ISSUE No. 5 (RELIEF):

19. In view of my findings on the aforesaid issues, suit of plaintiff stands dismissed without costs. Reader is directed to prepare the decree-sheet accordingly. File be consigned to the record room after due compliance.

Pronounced in open court:
Dated: 23.07.2026

(Arshbir Kaur Sandhu)
Civil Judge, (Jr. Divn.),
Sonapat (UID No.HR00612)

Note: All pages of this judgment have been checked and signed by me.

(Arshbir Kaur Sandhu),
Civil Judge (Jr Divn.),
Sonapat, UID No.HR00612

(Direct Dictation)

Sakshi

(Arshbir Kaur Sandhu)
CJ (JD), Sonapat
UID No. HR00612
23.07.2026