

**IN THE COURT OF MS. SARABJEET KAUR, PCS
CIVIL JUDGE (JR. DIVN.), HOSHIARPUR,
(UID NO.PB0620).**

CIS No.:CS/848/2019

CNR No. : PBHO020013802019

Date of Institution:31.08.2019

Date of decision: 22.01.2026

Kartar Chand son of late Mela Ram, resident of village Chak Harnoli, Police Station Sadar, Tehsil and District Hoshiarpur, through his special power of attorney Gurcharan Dass son of Kartar Chand, resident of village Chak Sadhu, Tehsil and District Hoshiarpur.

.....Plaintiff.

VERSUS

1. Onkar Chand son of Late Bhim Sain,
2. Banti son of Late Bhim Sain
3. Soma widow of Late Shri Bhim Sain
4. Jaswant Kaur wife of Bhag Ram
5. Surjit Kumar son of Bhag Ram
6. Paramjit Kaur @ Pammi wife of Surjit Kumar,
7. Ravi Kumar son of Surjit Kumar,

All residents of village Chak Harnoli, Police Station Sadar, Tehsil and District Hoshiarpur.

.....Defendants

Suit for permanent injunction restraining defendants to interfere or to construct any sort of room, further construction in Khasra No.1567 (0-5m), 1568(0-5m), 1569(0-11m), situated in the revenue estate of village Chak Harnoli, H.B. No.503, as per the Farad Jamabandi for the year 2014 and further restraining the defendants from interfering in the peaceful possession of the plaintiff over the same. **AND** Suit for possession of the property by directing the respondent to hand over the possession of the portion of the suit property shown as yellow and red in the site plan and by removing his construction thereof, as shown as red in the site plan attached.

Present: Shri Kartik Bhagat Advocate for the plaintiff.
Shri S.S. Bhardwaj Advocate for the defendants.

JUDGMENT :-

Instant suit has been filed by plaintiff seeking permanent injunction as well as possession as prayed for, in the head note of plaint.

2. In brief, the facts of this case are that plaintiff and defendants are resident of village Chak Harnoli, Police Station Sadar, Tehsil and District Hoshiarpur. Plaintiff and his brother Jit Ram are real owners of suit property bearing Khasras No. 1567 (0-5m) 1568(0-5m) and 1569(0-11m) as shown in Farad Jamabandi for the year 2014-2015. Adjoining to suit land, land of Central Government is lying and few days back all the defendants have forcibly took the possession of said land and constructed one room and shed therein. They are trying to forcibly encroach upon some portion of suit land measuring 25'X20'. Plaintiff requested defendants that suit land is his ownership and they have no right, title or interest in the same, but they used filthy language and badly abused him and also refused to admit his claim. Defendants are headstrong persons and do not care for law and order and forcibly intend to construct a room in suit property belonging to plaintiff. It has been further averred that during the pendency of present suit, in September 2019, despite subsistence of order dated 31.08.2019 passed by the Court they forcibly trespassed in possession of plaintiff over the suit property and have also raised construction in portion of suit property as fully detailed in site plan. The portion shown as yellow and red in site plan is the area, which is forcibly trespassed by defendants during the pendency of suit and partition shown as red in site plan is area where they have raised construction

during the pendency of suit. The portion shown as green in site plan is under the possession of plaintiff and portion shown as blue in site plan is under the possession of defendants though belongs to the Central Government. Hence, this present suit.

3. Upon notice of this suit, defendants appeared and filed written statement taking various preliminary objections of maintainability, locus standi, estoppel, not coming to the Court with clean hands, incorrect site plan, non-joinder of necessary parties and that plaintiff has filed same suit against same party in 2012 which was dismissed due to the absence of plaintiff. On merits, various paras of plaint have been denied as wrong. However, it has been submitted that the plaintiff never came in possession of land as alleged by him. Defendants are in peaceful possession of suit property. Earlier to that father of defendants No.1 and 2 and husband of defendant No.3 was in possession of land and after the death of Bhim Sain, defendants are in possession of the same. The correct site plan has been attached by Local Commissioner with his report while inspecting the spot in presence of parties to the suit. The fact regarding residence of plaintiff has been admitted. However, it has been submitted that the Khasra No.1567 is in possession of defendants and defendant No.1 is in exclusive possession of over said Khasra number. So, question of possession of plaintiff in suit land does not arise at all. It is denied that plaintiff is in exclusive owner of the same. Land in dispute is in possession of defendant. Since the last more than 60 years they have constructed their house and electric meter is running in the name of father of defendant No.1 and their families have their ration card and voter card in same house and property in dispute is not owned by

plaintiff. They have their own houses towards eastern side of property in dispute. In fact, if said land is belong to the Central Government then plaintiff had no right to file the present suit against the defendants. Further defendant has raised construction upon their own share of land in dispute. Moreover, in present suit plaintiff has moved an application for appointment of local commissioner and the Court has appointed Ms. Ravinder Kaur, Advocate as a Local Commissioner, who visited the spot on 30.09.2019 in the presence of parties to the suit and submitted his detailed report in the Court, in which it is also submitted that construction raised by defendants in their own share. It has been further submitted that in fact plaintiff, who in connivance with political influenced person tried to grab the share of defendants. Defendants never trespassed in possession of plaintiff and also never disobey the order dated 31.05.2019. Moreover, present para added by way of amendment in plaint by plaintiff when he had already led his entire evidence and during the evidence and cross-examination of plaintiff, he has totally failed to prove his case and present amendment is result of afterthought. Site plan attached with amended plaint is wrong and has no concern at all the defendants. In fact, plaintiff has ever filed same suit with same cause of action against same party in 2012. Rest averments made in plaint have been controverted and it is lastly prayed that plaintiff has filed the present suit by concealing true and material facts from this Court hence, same deserves to be dismissed with costs.

4. Replication to the written statement of defendants was filed by controverting the allegations made in written statement and by reiterating the contents of plaint. From the pleadings of the parties, following issues were

framed by this Court vide order dated 17.05.2025:-

1. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for? OPP
2. Whether the plaintiff is entitled for possession as prayed for? OPP
3. Whether the present suit is not maintainable? OPD
4. Whether plaintiff has no locus standi to file the present suit? OPD
5. Whether the plaintiff is estopped from filing the present suit by his own act and conduct? OPD
6. Whether the plaintiff has filed the wrong site plan? OPD
7. Whether the suit is bad for non-joinder of the necessary parties? OPD
8. Relief.

5. In order to prove their case, plaintiff examined himself as PW1, then examined PW2 Sansar Chand, PW3 Patwari Ramvilas Bagri, PW4 Chanden Sharma, Pw5 HC Raj Kumar, PW6 Kuldeep Singh, Clerk, office of Sub Registrar, Hoshiarpur and thereafter learned counsel for the plaintiff closed the evidence by making a statement that was recorded separately.

6. In order to rebut the evidence of plaintiff, defendants examined DW1 Bakshi Ram, DW2 Surjit Lal, DW3 Jagjit Singh, DW4 Amarjeet Singh, DW5 Ashok Kumar, DW6 Avtar Singh, DW7 Pawan Kumar, RA, PSPCL, Civil Lines, Hoshiarpur, then defendant No.1 Onkar Singh himself stepped into witness box as DW8 and thereafter the learned counsel for the defendants closed the evidence of the defendants by making a statement that was recorded separately.

7. No rebuttal evidence has been led by plaintiff and closed the same by making a statement that was recorded separately.

8. I have heard learned counsel for the parties and have gone through the file very carefully with their kind assistance. The findings on various issues are as under:-

Issues No.1 and 2:

9. Both these issues are taken up together being interconnected and interlinked and can be decided simultaneously by way of one discussion to avoid the repetition of facts and discussion. Onus to prove these issues was upon the plaintiff. In order to prove his case, Gurcharan Singh, special power of attorney holder of plaintiff stepped into witness box as PW1 and tendered his evidence by way of affidavit Ex.PW1/AB, wherein he has reiterated the entire facts as set out in plaint, as such, same are not repeated here in detail for the sake of brevity. Besides this, he has also produced and proved on record copy of special power of attorney as Ex.P1, his Aadhaar Card as Ex.P2, Farad Jamabandi as Ex.P3, site plan Ex.PX, copy of conveyance deeds as Ex.PX1 and Ex.PX2, copy of Aadhaar Card of plaintiff as Mark-B, photographs relating to suit property as Ex.P5, Ex.P5A and Ex.P5B, copy of police complaint as Mark-A, copy of demarcation as Mark-C and copy of Farad Jamabandi as Mark-D. **In cross-examination**, he has deposed that Ex.PX1 and Ex.PX2 pertaining to conveyance deed dated 11.01.1990 and second conveyance deed dated 11.01.1990 Khasra No.1567 and 1569 area 8 is Marlas. Similarly area of Khasra No.1569 is 8 Marlas. He has admitted that earlier he has also deposed in present case. Defendants have forcibly encroached land of Central Government. The distance between the houses of

Kartar Chand and Onkar Chand is 70 feet. In the present case local Commissioner was appointed to inspect the spot, who visited the spot. Earlier in suit land a meter was installed in the name of Central Government. Thereafter, Onkar Chand forcibly encroached said land and got a meter installed in his name. Firstly, he did not come to know when electricity meter was shifted and on second day he came to know about shifting of said meter, but neither he has made any complaint against Onkar Singh nor filed any complaint to the Court and electricity department. Electricity meter installed in the property Central Government is five years old. Tin shed No.1 shown in Ex.PX is four years old. Two bathrooms shown as No.2 and 3 were also constructed at the same time which is four years old. He has admitted that present suit was filed by his father himself. His father used to sign documents in Hindi. He has identified signatures of his father in circle at point-A on amended head note dated 13.09.2019. Similarly, he identified signatures of his father in circle at point-B on application under Order 39 Rules 1 and 2 of the C.P.C, in circle at point-C and point-D on affidavit, in circle at point-E on application for appointment of Local Commissioner and in circle at point-F and G. He has also identified signatures of his father in circle at point-H on presence sheet dated 30.09.2019 Ex. DX. He has admitted that Ex.DX does not bear his signatures. He identified the signatures of his father on copy of plaint at point-A1, and in circles at point A1 to point-A15. He has also identified signatures of his father in circle at Point-A16 on power of attorney given in favour of Shri Ravinder Kumar Dhanda and on power of attorney given to Mrs. Shobha Sharma, Advocate at point A17. He has not done any course to read revenue record. He has seen photographs Ex.DA to Ex.DA3

which pertain to the house of Onkar Chand. He deposed that on both the pages of power of attorney placed on Court file does not bears signatures of his father. He has seen Farad Jamabandi ExP3 according to which Khasra No.1568 is ownership of Mela Ram and Khasra No.1569 is jointly owned by Kartar Chand and Jeet Ram and they have not got the said Khasra No.1569 partitioned till date. Out of Khasra No.1569, 11 Marlas area has been acquired by National Highway Authority of India for making road. He does not know if earlier his father had filed a suit regarding suit land against Bhag Singh, Soma Devi, Onkar Nath etc. He cannot tell if in summon file Ex.DY and Ex.DZ bear signatures of his father. He has seen Ex.D1 which is in a contempt petition according to which rooms/house was renovated. He identified the photograph of his father, mother and sister on Ration Card in file of CS No.209 dated 25.02.2012. In copy of said Ration Card his name has not been incorporated.

10. PW2 Sansar Chand, tendered his evidence by way of affidavit Ex.PW2/A, wherein he has supported the version of the plaintiff as set out in plaint, as such, same are not repeated here in detail for the sake of brevity. Besides this, he has also produced and proved on record copy of his Aadhaar Card as Ex.P6, copy of special power of attorney already exhibited as Ex.P1, farad Jamabandi Ex.P3, site plan Ex.PX, copy of conveyance deeds Ex.PX1 and Ex.PX2, copy of Aadhaar Card of plaintiff as Ex.P7, photographs relating to suit property as Ex.P5, Ex.P5A and Ex.P5B, copy of Farad Jamabandi Mark-D, Farad Jamabandi for the year 1968-1969 as Ex.PY, certified copy of conveyance deed Ex.PY1 and Ex.PY2 (all these documents already exhibited). **In cross-examination**, he has deposed that present case

in which he came to depose pertains to land. Gurcharan Dass is his brother. Present suit has been filed on 31.08.2019. He has not come to the Court on 31.08.2019 for filing present suit. Gurcharan Dass and Kartar Dass had come to file the same. The disputed land is 21 Marlas. His house is situated at some distance from disputed land. Kartar Chand also used to thumb marked and sign the documents. Kartar Chand used to sign in Hindi. He never accompanied Kartar Chand in the Court in present case. Kartar Singh never asked for giving him power of attorney to contest the present suit. He identified the signatures of Kartar Chand in circle at point-A11 on copy of Conveyance Deed Ex.PX1. In present suit an Advocate went to disputed property to inspect the spot. He himself was also present at the time when Advocate inspected the spot. He has identified his signatures in circle at point-A on Ex.DX1. Similarly, he has also identified signatures of Kartar Chand in circle at point-B on Ex.DX1. He has seen site plan Ex.PX and land shown in green colour in site plan is their land. The point-2 and point-3 shown in red colour in site plan were constructed by their forefathers. He is residing separately from disputed land, as such, Kartar Singh did not array him as one of the plaintiff in present suit. The distance between his house and that of Kartar Chand might be 70 feet. The site underneath his house is ownership of Kartar Chand. The land possessed by Onkar Chand etc bears Khasras No.1568, 1569 and 1567. In these Khasra numbers earlier no meter was installed. In these Khasra number at present there is no electricity supply. Some part of land of above said Khasra numbers has been acquired by government. Kartar Singh is now bedridden since long time. Houses of Kartar Chand and Gurcharan Dass are situated at distance of one meter from

the house of Onkar Chand. He has seen photographs Ex.DA, DA1 to Ex.DA3, same are not the house of Onkar Chand.

11. PW3 Ramvilas Bagri, Patwari, Halqa Mehtiana, Hoshiarpur while appearing in the witness box has produced the summoned record pertaining to village Chak Harnoli, H.B. No.503, Khasra No.1567 to 1569. As per record in Khasra No.1569 Kartar Chand son of Mela Ram has 3/11 share which is 3 Marlas, Jeet Ram is having 8/11 share i.e. 8 Marlas. As per record under Khasra No.1568 Mela Ram is having 5 Marlas land. As per record under Khasra No.1567 Kartar Chand is having 05 Marlas land. He has seen Ex.P3 Farad Jamabandi, which is true and correct as per record produced by him. As per his record Kartar Chand, Mela Ram and Jeet Ram are true owners to the above said land. He has seen Ex.PY pertaining to Khasra No.1568 belonging to Mela Ram which is correct as per his record of Jamabandi for the year 1968-1969. As per record brought by him Jeet Ram gained title in Khasra No.1569 of land 8 Marlas via mutation No.1590 in his favour. As per record brought by him Kartar Chand gain titled in Khasra No.1567 of 5 Marlas in his favour and 3 Marlas of land in Khasra No.1569 via mutation No.1941. He has proved the copy of Jamabandi for the year 2019-2020 as Ex.P3X which is true and correct as per his record. As per the record brought by him Kartar Chand, Jeet Ram and Mela Ram are owners of above said land. **In cross-examination**, he has deposed that he did not place on record copy of summoned record with his examination in chief. Copy of Jamabandi Ex.P3 for the year 2014-2015 has been printed on 27.08.2019. He has seen the record regarding the ownership of Kartar Chand, 03 Marlas, Jeet Ram 08 Marlas. He has deposed on the last date of hearing regarding record

and ownership with regard to record brought by him on 05.07.2025 but he has not placed copy of same on judicial file. Ex.P3 i.e. Jamabandi for the year 2014-2015 printed on 27.08.2019 shows the ownership of the person on that time. Jamabandi for the year 1968-1969 according to which he has stated that Khasra No.1568 belongs to Mela Ram did not prepared by him. Even sanction mutation No.1940 and 1941 were not entered by him. He does not know who is in possession in which Khasra numbers till date. He has seen Ex.PX3, which is a photocopy of Jamabandi for the year 2019-2020 and as per said Jamabandi he is describing ownership of Kartar Chand, Jeet Ram and Mela Ram as per their Khasra numbers. He has admitted that Ex.P3X has also been lastly printed on 26.01.2021. He has not visited the spot regarding the property in dispute.

12. PW4 Chandan Sharma, Junior Assistant, Office of Sub Registrar, Hoshiarpur, while appearing in the witness box has produced original summoned record i.e. second original document No.5641 and 5642 and both were registered on 11.01.1990 with the office of Sub Registrar, Hoshiarpur. He has seen the certified copies of document No.5641 and 5642 which already exhibited as Ex.PY1 and Ex.PY2 and both are correct as per the record of second original documents. The document No.5641 is registered with the office of Sub Registrar, Hoshiarpur in favour of Jeet Ram son of Mela Ram whereas document No.5642 is registered in favour of Kartar Chand son of Mela Ram. He has not maintained the record in due course of law and same is not tempered. **In cross-examination**, he has deposed that he does not know the parties to the present suit personally. The summoned record i.e. documents No.5641 and 5642 were not prepared by him, rather at

that time he was not in Government service. As per the record the conveyance deed No.5641 has been executed with Jeet Ram son of Mela Ram. He has admitted that in document No.5641 on second page there is blank column regarding sides of property. He cannot tell whether any property given under conveyance deed further sale out or not. Similarly, he cannot tell whether the said property can be rented out/lease out to anyone. Even, he cannot tell if property given by executing conveyance deed then executants can further execute Will regarding said property. He cannot tell that a person who got the property through conveyance deed can get/apply electricity as well as water supply connection in the said property.

13. PW5 HC Raj Kumar No.673/Hpr, Police Station Sadar, Hoshiarpur while appearing in the witness box has produced the original record of applications bearing No.772 dated 14.09.2019 moved by Gurbachan Dass against Onkar Chand, Bunt, Soma regarding the matter of forceful construction during the stay order by this Court and said application was marked to ASI Raj Kumar No.1979/Hpr. The original application is in the custody of ASI Raj Kumar. He has brought the entry register of said application and proved the report as Ex.PW5/A prepared by HC Talwinder Singh and identified his signatures of the said report. The copy of said report Ex.PW5/A is true and correct as per the record produced by him. **In cross-examination**, he has deposed that he does not know the parties to the suit personally. He cannot tell what was the outcome and result of the said application bearing No.772/14.09.2019. Even, he cannot tell whether anyone from the Police Station went to the place of occurrence, rather at that time he was not posted at Police Station Sadar. Even, he does not know as stated in

his examination-in-chief that Gurcharan Dass is the attorney holder of the plaintiff. He has also does not know regarding any stay order of the Court, qua which application moved to Police Station Sadar. He has only one entry in the record of Police Station at Sr. No.772. He does not have any copy of application No.772/14.09.2019 in his record.

14. PW6 Kuldeep Singh, Clerk of the Sub Registrar, Hoshiarpur while appearing in the witness box produced summoned record i.e. conveyance deed No.5641 and 5642 and both were registered on 11.01.1990 with the office of Sub Registrar, Hoshiarpur. He has seen the certified copy of document No.5641 and 5642 copies of which are already exhibited as Ex.PY1 and Ex.PY2. As per the record the Government issued conveyance deeds through Tehsildar (M)-cum-Sales, Hoshiarpur in favour of Jeet Ram vide conveyance deed No.5641 comprised in Khasra No.1569 which is measuring 8 Marlas and was registered vide sub Registrar, Hoshiarpur on dated 11.01.1990. Similarly, as per record Government issued conveyance deed through Tehsildar (M)-cum-Sales, Hoshiarpur in favour of Kartar Chand vide conveyance deed No.5642 comprised in Khasra No.1567 and 1569 which is measuring 8 Marlas and was registered vide sub Registrar, Hoshiarpur on dated 11.01.1990. In cross-examination he deposed that he does not know the parties personally. The conveyance deeds No.5641 and 5642 do not prepared by him. At the time of preparation of these deeds even he was not in the job. He has admitted that the documents No.5641 and 5642 on the second page the column regarding the sides of the property are blank. He cannot say whether, if any property given under conveyance deed the said property can be taken back by the Government at any time of its own use. He

does not know whether the property given under conveyance deed the beneficiary of the same can rent out/lease out the said property.

15. Thereafter, learned counsel for plaintiff tendered into evidence Farad Jamabandi for the year 2019-2020 Ex.P8, Aksh Shazra Ex.P9, Mutation No.1904 and 1941 certified as Ex.P10 and Ex.P11, respectively.

16. In order to rebut the evidence of plaintiff and to prove their defence, defendants examined Bakshi Ram as DW1, who has tendered his evidence by way of affidavit Ex.DW1/A reiterating the case of the defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity. Besides this he has also tendered on record electricity bills as Ex.DA to Ex.DF. **In cross-examination**, he has deposed that he is doing any work and is residing at village Chak Sadhu. He is residing at a distance of 200 meters from suit land. He is not residing near the house of plaintiff. He does not know about the present suit. He never deposed in said suit earlier. He is 8th fail. He knows Hindi and Punjabi language and also knows English little bit. He has seen his affidavit Ex.DW1/A and identified his signatures on it but does not know what has been written in the same Ex.DW1/A. He does not know how many parties are in present suit. He came to depose at the instance of Soma Devi and Onkar Chand etc. He did not gave any evidence regarding disputed land. The disputed property comes under the road. Police never visited at the disputed land. He has further deposed that Local Commissioner never visited the spot to inspect the same. The attention of the witness was drawn towards Ex.P5/A and Ex.P5/B which he admitted that these are relating to the suit property He has seen the site plan Ex.PX and admitted that same is of suit property. On seeing Ex.PX the

admitted that where points A to D are mentioned earlier same was lying vacant. He identified his signatures on Ex.PW1/A. He has admitted that Kartar Chand and Jeet Ram never partitioned their land. He has further admitted that Gurcharan Dass is quarrelsome person.

17. DW2 Surjit Lal, who has tendered his evidence by way of affidavit Ex.DW2/A reiterating the case of the defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity.

In cross-examination, he has deposed that he is labourer by profession. He is residing on the backside of suit land. Onkar Chand is his nephew and Soma is his Bharjai. Earlier they used to reside in same family. He got separated from Onkar Singh etc in the year 2010. He is having joint land with Onkar Singh etc. His share is towards northern side of Soma Devi and Onkar Chand. He is studied up to 5th standard. He does not know read and write English script. His counsel told him in the morning about the facts of his affidavit. He has admitted that earlier when he came to depose he only signed his affidavit. Khasras No.1567, 1568 and 1569 are not his ownership but in this regard a dispute is pending in the Court. May be these Khasras numbers came to the share of Onkar Chand etc. He has admitted that he alongwith Onkar Chand are residing on the property of Central Government Soma Devi and Onkar Chand are in possession of Khasra No.1567, 1568 and 1569. He has admitted that in Jamabandi, Mutation etc. Kartar Chand, Jeet Ram and Mela Ram are in possession of Khasra No.1567, 1568 and 1569. The Court has granted the stay regarding suit property but cannot tell date of order. Electricity meters are installed in disputed land. One is on the name of Soma and another is in the name of Manjit Kaur. The meter in the name of Manjit

Singh was installed since the last eight years. He has admitted that main gate of disputed land is towards street. The said gate was installed since the last 12/13 years back. He has further admitted that disputed property falls under the land for National Highway, but does not know how much area of Khasra No.1567, 1568 and 1569 came under National Highway. He admitted that Government has to pay Rs.18 Lakh to 20 Lakh to the owners of property, but does not know if any suit regarding said amount is pending or not. Ex.PX is correct as per spot. He is in possession of land shown at point DA and point D-B whereas at point DC, DE and DF Onkar Singh is in possession. The area of property mentioned in point ABCD is about 22 Marlas. The property shown in Ex.PX and points ABCD bears Khasra No.1567, 1568 and 1569 is disputed property. The Court has appointed an Advocate as Local Commissioner, Hoshiarpur Ex.P5 is not pertains to disputed property. Gurbachan Dass is a quarrelsome person and used to give threats. Many times they have asked to resolve the dispute by taking half property but he is an adamant. They have also asked him to receive Rs.18 Lakh to Rs.20 Lakh came from Government, but he wants the amount of both the properties.

18. DW3 Jagjit Singh, who has tendered his evidence by way of affidavit Ex.DW3/A reiterating the case of defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity.

In cross-examination, he has deposed that he is doing labour work. The disputed land is situated at some distance from their house. He knows the defendants. Present dispute is regarding rooms constructed near road except this he does not know about any other dispute. He is matriculate. He did matriculation in 1985. He cannot read English. Earlier he was residing

abroad. He remained abroad for about 10 years. He went abroad in the year 2006 and return in the year 2017. He admitted that Onkar Singh etc. are residing in the property of Central Government. He has deposed that Onkar Singh etc have no concern with the Khasra No.1568, 1567 and 1569. His house is situated in Khasra No.1403. He admitted that in the disputed land two electricity meters have been installed. One meter is in the name of Soma and another is in the name of her daughter-in-law. He admitted that earlier said meter was in the name of Soma Devi and the second meter was got installed later on, but cannot tell in which year same was got installed. The Advocate had told him about the facts of his affidavit. He has admitted that he came to depose in the Court at the instance of Onkar Singh etc. Gurbahcan Dass is a quarrelsome person. He has admitted that there is main gate of Onkar Singh in suit land which opens toward street which has already been installed. He has admitted that property comes under National Highway. The government has to release Rs.18 Lakh to Rs.20 Lakh in the names of owners of property. He has seen Ex. PX over which point ABCD are correct. He has admitted that property shown at point ABCD bears Khasra No.1567, 1568 and 1569. The photograph in which construction has been shown pertains to property in possession of Onkar Chand.

19. DW4 Amarjeet Singh, has tendered his evidence by way of affidavit Ex.DW4/A reiterating the case of the defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity.

In cross-examination, he has deposed that he is Sarpanch of village Chak Sadhu. He elected as a Sarpanch in 2025. Earlier to that he also remained Panch since 2020 to 2025. He has also remained Panch since 2014 to 2019.

He is doing agriculture work and is supporter of Aam Aadmi Party. His house is situated at some distance from disputed land i.e. about 100 meters. About 750 persons are residing in their village. He does not know the facts of present dispute. He completed his 10+2 in 1994,. He knows English little bit. He never appeared as witness in any case in the Court. The disputed land is situated at National Highway and comes under acquired area by Government. He has admitted that in Jamabandi Kartar Chand, Mela Ram and Jeet Ram are recorded as owners of disputed land. He knows the stay order has been passed regarding the disputed land. He has admitted that there are two meters of the defendants in suit land. The main gate of disputed land is towards street. Earlier said area was open. He has admitted that police came at the disputed land. Photograph Ex.P5 is of disputed land. Ex.P5/A and Ex.P5/B is construction of his ownership, which was raised before passing of stay order. Father's name of Gurbachan Dass is Mela Ram but he does not know the father's name of Mela Ram. Mela Singh died even before he gained consciousness. The inheritance of Bhag Ram is entered in the name of Soma Devi etc. Plaintiff Gurbachan Dass is a quarrelsome person. Plaintiff moved an application to him in October 2025 for encroaching suit land by defendants forcibly, which is still pending as plaintiff never came to him again. The main gate which opens towards the street was installed for the last about 8/10 years.

20. DW5 Ashok Kumar, who has tendered his evidence by way of affidavit Ex.DW5/A reiterating the case of defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity. In cross-examination he has deposed that he is doing agriculture work. He

has taken approximately one acre land on lease. He is Panch of village Panchayat and was elected in the year 2024. His house is situated about some distance from disputed land. About 700 peoples are residing in the village. He does not know English and only knows to write his name in Punjabi. He does not know about Khasra numbers of disputed property. He also does not know if Soma Devi is residing in property of Central Government. He has admitted that government executed conveyance deeds in respect of suit land in favour of Jeet Ram and Kartar Chand. He never visited to the disputed land.

21. DW6 Avtar Singh, who has tendered his evidence by way of affidavit Ex.DW6/A reiterating the case of the defendants as set out in written statement, as such same are not repeated here in detail for the sake of brevity. In cross-examination, he is doing agriculture work. He owns 2½ acres land which is in his name. Disputed land is situated about 300 Karams from his house. His land falls in village Chak Sadhu. There are more than 150 houses in village and about 700 peoples are residing there. He studied up to 6th standard. He came from abroad. After 10/12 years. He went to Jordan 1988 and returned India in 2002/2003. The present case is pending between Gurcharan Dass, Kartar Chand, younger son of Kartar Chand, Sansar Chand against Soma Devi, Onkar Chand. He cannot tell Khasra number of his own house, but same is within Lal Lakir. He cannot tell Khasra numbers of disputed land. The disputed land may be 2/3 Kanals. He admitted that disputed land falls under the map of National Highway. About 12 to 13 Marlas of disputed land have to be acquired. Soma Devi etc. are residing in property of Central Government, but does not know how much area is under their possession. His own land has also been acquired but cannot tell how

much compensation he has to receive from the Government. Except producing copy of his Aadhaar Card he has not produced any document in the Court. During his tenure Panchayat has never passed any resolution against Kartar Chand and Gurcharan Dass. He or Panchayat has not moved any application or complaint to Panchayat Secretary or BDPO. He came to depose in the Court as Panch of village. He is not a summoned witness. Sarpanch of village told him about date of the case. Gurcharan Singh is not a quarrelsome person. He has admitted that two plants have been removed from disputed land. One is removed by plaintiff and another by defendants. Mela Ram died before he gained consciousness.

22. DW7 Pawan Kumar, RA, PSPCL, Civil Lines, Hoshiarpur has produced the summoned record of electricity connection bearing account No.3000799440 which is domestic supply connection and in the name of Bheem Sain of village Chak Sadhu. This connection had been running in the name of Bheem Sain since its installation. Certified copy of electricity bill in the name of Bheem Sain is Ex.DX1 meter reading record and certified copy in the name of Bheem Sain is Ex.DX2 alongwith the meter reading record. The said connection presently running in the name of Soma Devi wife of Bheem Sain. **In cross-examination**, he has deposed that he has no personal knowledge regarding the facts of the case. He does not know the parties to the suit personally. He cannot tell exact location where electricity meter is installed as per his record. He cannot tell even above said electricity connection bearing account No.3000799440 is installed in property of Central Government or any other ownership property. He has admitted that document required for installation of any electricity meter was Aadhaar Card

as per period of 2016 to 2024. He cannot tell the area of land where Ex.DX1 and Ex.DX2 is installed. He never visited property in question where electricity meter is installed. He is posted in Department of PSPCL since 2012. He posted in civil lines Sub Division, Hoshiarpur since 2023. He cannot tell whether electricity meter was shifted from one place to another place. Ex.DX1 contain pages 1 to 5 and Ex.DX2 contain pages No.1 to 4 are computer generated document. He has not placed on record any certificate of 623 and 63 of BSA supported with Ex.DX1 and Ex.DX2 alongwith his examination in chief. As per record Ex.DX1 and Ex.DX2 the present electricity meter is installed before 12.12.2014. He cannot tell when the electricity meter was installed.

23. Then, defendant No.1 Onkar Chand himself stepped into witness box as DW8 and tendered his evidence by way of affidavit Ex.DW8/A reiterating case as set out in written statement, as such same are not repeated here in detail for the sake of brevity. Besides this he has also tendered Ex.DX1 presence Sheet, Ex.D1 site plan, Ex.DA to Ex.DF electricity bills. **In cross-examination**, he has deposed that he is electrician by profession. In his family he along with his mother, two uncles, grandmother, wife, their two children, his brother and his wife and their two children are residing in the house. He has three sisters, who all are married. His father was having two sisters who had also married. His father died at the age of 38 years in the year 2004-2005. He has not placed death certificate of his father. He has also owns two Kanals land besides suit property, which he is cultivating. His brother is doing aluminum work. His both uncles are handicapped. He alongwith his family are residing in the property of Central Government. The government al-

lowed him to live in said property but in this regard he cannot produce any record. He has admitted that Khasra numbers 1567, 1568 and 1569 are the joint ownership of Kartar Chand, Jeet Ram and Mela Ram. He alongwith his family are in possession of 25 Marlas land belonging to Central Government. He only knows Punjabi language. Applicant has filed suit against him seeking his ownership over land in which he is residing. Besides this they have also sought injunction regarding raising construction. Except this nothing has been claimed in suit. In his written statement he has pleaded that they are in possession of land since last 60 years. The attention of witness was drawn towards written statement dated 27.02.2020, which does not bear his signatures. He admitted that they are in possession of land belonging to Central Government. He has not filed any suit regarding his possession over land since 60 years. He has also not filed any case against plaintiff that they are harassing him. He does not know exact location of Khasra numbers 1567, 1568 and 1569. He has admitted that as per Farad Jamabandi Ex.P3 these Khasra numbers are ownership of Mela Ram, Kartar Chand and Jeet Ram. He has deposed that he stopped construction in year 2019 but he does not know the month. He does not know the number of civil suit filed, but same was filed by Kartar Chand against them in 2019 but does not know the month of said year. There are two electricity meters on the wall of land in dispute. One is in the name of Soma Devi and another in the name of his wife Manjit Kaur. He does not know when meter was installed in the name of his wife Manjit Kaur. He has admitted that Government had executed conveyance deed regarding Khasra No.1567, 1568 and 1569 in the names of Mela Ram, Kartar Chand and Jeet Ram. He has not challenged this conveyance deed be-

fore any authority on the ground that these were got executed by the illegally or forcibly. He admitted that the Court has appointed a local commissioner to visit and inspect the spot. He alongwith his family produced site plan in this case. He has not moved any application to Patwari or Girdawar for recording his name in column of cultivation in Farad Jamabandi. He has admitted that on seeing Ex.DA to Ex.DF he cannot tell regarding which these belong. He admitted that suit land falls under land acquired by government and government sanctioned Rs.18,00,000/- in favour of the owners of their land. He has admitted that they have moved an application to Government that amount be not released in the names of plaintiffs, regarding which the government has filed the case in the Court. The total area of Khasra No.1567, 1568 and 1569 is 9 Marlas, 8 Marlas and 5 Marlas. The water connection is installed in the name of his mother. He is having good relations with his co-villagers as well as Sarpanch of village. He has admitted that Ex.DA3 there was a plant at point-A which has now been removed and is not present at the spot. The said tree was cut and removed by him as it was causing damage to their property. They have not obtained any permission regarding removing and cutting said tree from the Court as he it was grown on their land. Ex.DA3 is not pertaining to suit property. He has admitted that he had already stopped the construction on receipt of stay order, before visiting of the local commissioner at the spot. He cannot tell the Khasra number of land over which he raised construction but said land belonged to him. The property in their possession is the property of Central Government. He has admitted that when Local Commissioner came at the spot there were slab, latrines and shuttering was raised and poles were also erected. Ex.P5A in main file is prior to installing of

lenti. At that time flooring of their rooms was katcha one. They have got the plaster of their walls after removing shuttering. He has admitted that Ex.P5 is photograph of room constructed and they have got the plaster of walls after the visit of local Commissioner approximately 4/5 years. He has admitted that police came to the disputed land. He has admitted that due to falling of wall an electricity meter was hanging on wall of their room as such they shifted said meter to another wall.

24. Learned counsel for plaintiff besides repeating his pleadings has argued that plaintiff and his brother Jit Ram are absolute owners of suit property bearing Khasra No. 1567 (0-5m), 1568 (0-5m) and 1569 (0-11m) as shown in Farad Jamabandi for the year 2014-2015 and adjoining to it, land of Central Government is lying and few days back all defendants have forcibly took the possession of said land and constructed one room and shed therein. He has further argued that defendants being headstrong persons in September 2019, despite subsistence of order dated 31.08.2019 passed by the Court forcibly trespassed in portion shown as yellow and red in site plan and have also raised construction over the same. He has further argued portion shown as green in site plan is under the possession of plaintiff and portion shown as blue in site plan is under possession of defendants though belongs to Central Government. He has further argued that plaintiff alongwith his brother is absolute owner of suit land bearing Khasra No.1567, 1568 and 1569 through the valid conveyance deeds executed by Central Government, which plaintiff has proved by leading cogent evidence. He has further argued that defendants as well as all the witnesses examined by him in their cross-examination have categorically admitted the execution of conveyance deeds

in favour of plaintiff, his brother and their father Mela Singh and their said admission itself eliminates any cloud on the title of plaintiff making him rightful owner. He has further argued that plaintiff was in lawful and peaceful possession of suit land on basis of conveyance deed executed by Government in his favour and defendants are thus trespassers of portion shown as yellow and red in site plan and are liable to hand over its vacant possession of plaintiff as it is settled law that any illegal act of the defendant during the suit does not dispossess the plaintiff in the eyes of law but warrants the additional of relief of recovery of possession which plaintiff has added by seeking amendment from the Court. He has further argued that plaintiff has proved his case by leading cogent evidence, whereas defendants have failed to substantiate their defence taken in the written statement rather admitted the case of the plaintiff and prayed for decreeing the suit of the plaintiff for permanent injunction alongwith the relief of possession with costs.

25. On the other hand learned counsel for defendants besides repeating his pleading vehemently contended that suit is not maintainable in its original form as initially suit was filed by plaintiff for permanent injunction and if defendants as per plaintiffs were already in possession or encroached before amendment, original suit for injunction was not maintainable and same should be deemed invalid from the very beginning. He has further argued that conveyance deeds do not automatically equate to physical possession and same are vague and plaintiff has failed to establish the exact boundaries of land claimed to be encroached by defendants. He has further argued that plaintiff has failed examine Local Commissioner to confirm or prove alleged encroachment. Hence prayed for dismissal of the

suit of plaintiff with costs.

26. I have given thoughtful consideration to the arguments addressed by learned counsel for the parties and have carefully examined and analyzed the evidence and documents produced and proved on record by them as discussed above in detail.

27. On appraisal and analyzing of evidence led by both the parties and documents relied upon by them, it follows that plaintiffs setup their suit for permanent injunction for restraining defendants to interfere or to construct any sort of room, further construction in Khasra No.1567 (0-5), 1568(00-5), 1569(0-11), situated in the revenue estate of village Chak Harnoli, H.B. No.503, as per the Farad Jamabandi for the year 2014 and further restraining the defendants from interfering in the peaceful possession of the plaintiff over the same. And suit for possession of the property by directing the respondent to hand over the possession of the portion of the suit property shown as yellow and red in the site plan and by removing his construction thereof, as shown as red in the site plan attached.

28. Now, it is to be seen whether plaintiff has been able to establish his ownership as well as the possession over the suit land Khasra No.1567 (0-5), 1568 (00-5), 1569(0-11), situated in the revenue estate of village Chak Harnoli, H.B. No.503, over which the defendants have encroached.

29. No doubt originally suit land bearing Khasra No.1567 (0-5), 1568 (0-5), 1569 (0-11), situated in revenue estate of village Chak Harnoli, H.B. No.503, Tehsil and District, Hoshiarpur was the ownership of Central Government, which was later on transferred in the name of plaintiff Kartar

Chand. his brother Jeet Ram and their father Mela Ram, vide conveyance deeds, copies of which are placed and proved on record as Ex.PY1 and Ex.PY2. Defendant No.1 Onkar Chand, when appeared in witness box as his own witness in his cross-examination has categorically admitted that Government had executed conveyance deed regarding Khasra No.1567, 1568 and 1569 in the names of Mela Ram, Kartar Chand and Jeet Ram. He has further admitted he has not challenged these conveyance deeds before any authority on the ground that these were got executed by illegally or forcibly. He has further admitted that as per Jamabandi Ex.P3 Khasra numbers 1567, 1568 and 1569 are joint ownership of Kartar Chand, Jeet Ram and Mela Ram. He alongwith his family are in possession of 25 Marlas land belonging to Central Government. He has deposed that he stopped construction in year 2019 but he does not know the month. It has also come in his cross-examination that he has not moved any application to Patwari or Girdawar for recording his name in column of cultivation in Farad Jamabandi. Besides own statement of defendant, all the witnesses examined by him in their cross-examinations have also categorically admitted the execution of these conveyance deeds in favour of plaintiff, his brother Jeet Singh and their father Mela Ram. Moreover, there is a presumption that registered document is validly executed, therefore, prima facie would be valid in law. In present suit too, both these conveyance deeds in favour of plaintiff, his brother and their father are a registered documents, so, presumption is attached that same were validly executed. Thus, plaintiff has been able to establish that originally suit property bearing above said Khasra numbers was the ownership of Central Govern-

ment and plaintiff acquired titled over the same, vide conveyance deeds Ex.PY1 and Ex.PY2.

30. Further, in order to prove his ownership as well as possession and encroachment made by defendants, plaintiff has produced and proved on record Jamabandi for the year 2014-2015 Ex.P3, as per which Khasra numbers 1567, 1568 and 1569 are joint ownership of Kartar Chand, Jeet Ram and Mela Ram. DW3 Jagjit Singh, examined by defendants in his cross-examination has categorically admitted that Onkar Singh etc have no concern with the Khasra No.1568, 1567 and 1569. Similarly, DW4 Amarjeet Singh in his cross-examination has categorically admitted that that in Jamabandi Kartar Chand, Mela Ram and Jeet Ram are recorded as owners of disputed land. According to Section 58 of the Indian Evidence Act, the facts admitted need not be proved. Thus, from the above said admission as well as revenue record placed and proved on record it is established that plaintiff, his brother and their father are joint owners in possession of suit land bearing Khasras No.1568, 1567 and 1569. He has deposed that Onkar Singh etc have no concern with these Khasra numbers. It is a settled preposition of law that presumption of truth is attached to revenue record, though, this presumption is rebuttable. Defendants have failed to rebut the revenue record as well as the conveyance deeds in favour of plaintiff, rather defendant No.1 and witnesses examined by them have admitted the ownership as well as possession of plaintiff over suit property. This admission made by defendants coupled with registered conveyance deeds and revenue record proved on record produced by plaintiff clearly establishes that plaintiff is owner of suit property. Though, defendants have taken a stand that identity of suit property

is in dispute, but they have failed to prove their legal and valid possession over land shown yellow and red colour in Ex.PX. They have not produced any counter site plan. On the other hand plaintiff has proved on record that defendants have unlawfully and illegally trespassed in portion shown red and yellow colour which is the part and parcel of Khasra No.1567, 1568 and 1569 which are jointly owned by him with his brother and their father. It is a settled proposition of law that a lawful owner in possession of property can protect his possession. Therefore, defendants have no right to interfere into legal and peaceful possession of plaintiff over the suit property. Accordingly, defendants are permanently restrained from interfering or to construct any sort of room, further construction in Khasra No.1567 (0-5), 1568 (00-5), 1569 (0-11), situated in revenue estate of village Chak Harnoli, H.B. No.503, as per Farad Jamabandi Ex.P3 and further restrained them from interfering in his peaceful possession over the same. Plaintiff is also held entitled to the relief of possession of portion of suit property shown as yellow and red in site plan, by removing construction thereof. Hence, both these issues are decided in favour of the plaintiffs and against the defendants.

ISSUES NO.3 to 7

31. All these issues are taken up together being interconnected and to avoid repetition for discussion. The onus to prove these issues was also upon the defendants but in the pleading and during the course of arguments, these issues were not pressed upon by the Ld. Counsel for the defendants. Accordingly all these issues are decided against the defendants and in favour of the plaintiff.

RELIEF:-

32. As a sequel of my aforementioned discussion, suit filed by plaintiff for permanent injunction as well as possession succeeds and same stands decreed with no order as to costs. Defendants are restrained permanently from interfering or raising any sort of construction/room in Khasras No.1567 (0-5m), 1568 (0-5m), 1569 (0-11m), situated in the revenue estate of village Chak Harnoli H. B. no. 503, as per fard Jamabandi for the year 2014 and further they are restrained from interfering in peaceful possession of plaintiff over the same. Defendants are also directed to hand over the possession of the portion of suit property shown as yellow and red after removing construction thereof, as shown as red in the site plan attached. Misc. application, if anything pending stands disposed of as not pressed. Unexhibited documents and undisbursed diet money be returned to the respective parties against proper receipt and identification. Decree sheet be prepared accordingly. File be consigned to the Judicial Record Room, Hoshiarpur after due compliance.

Announced in open Court:-

22.01.2026.

nikita aery

(Sarabjeet Kaur), PCS,
Civil Judge (Jr.Divn.),
Hoshiarpur.
UID No.PB0620.

CIS No.:CS/848/2019

CNR No. : PBHO020013802019

Kartar Chand ***VERSUS*** *Onkar Chand and others*

Present: Shri Kartik Bhagat Advocate for the plaintiff.
 Shri S.S. Bhardwaj Advocate for the defendants.

Arguments heard. Vide my separate detailed judgment of even date, the suit of the plaintiff, stands decreed as detailed in the judgment. No order as to costs. Any misc. application, if pending in the suit would be deemed to be dismissed being not pressed upon by either of the parties. Decree-sheet be prepared. File be consigned to Record Room, Hoshiarpur after due compliance.

Announced in open court.

22.1.2026

nikita aery

(Sarabjeet Kaur), PCS,
Civil Judge (Jr.Divn.),
Hoshiarpur.
UID No.PB0620.