



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. RSA-71-1999 (O&M)
Reserved on :- 30.09.2025
Pronounced on:-13.10.2025

Mahinder Singh and Another ... Appellants
Versus
Girraj Singh (Since Deceased) Through his LRs and Others ... Respondents

2. RSA-3912-1998 (O&M)
Lakmi ... Appellant
Versus
Girraj Singh (Since Deceased) Through his LRs and Others ... Respondents

3. RSA-3913-1998 (O&M)
Lakmi ... Appellant
Versus
Girraj Singh (Since Deceased) Through his LRs and Others ... Respondents

4. RSA-72-1999 (O&M)
Mahinder Singh and Another ... Appellants
Versus
Girraj Singh (Since Deceased) Through his LRs and Another .. Respondents

5. COCP-1620-2008 (O&M)
Mahender Singh and Another ... Petitioners
Versus
Girraj Singh (Since Deceased) Through his LRs and Others ... Respondents



CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Bhanu Sharma, Advocate
for the appellant(s) in **RSA-71-1999; RSA-3912-1998;
RSA-3913-1998; RSA-72-1999.**

Mr. Adarsh Jain, Advocate and
Mr. Amandeep Kaur, Advocate
for respondent No.1 in **RSA-72-1999; RSA-3912-1998;
RSA-3913-1998 and COCP-1620-2008.**

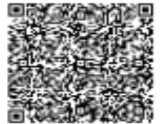
Mr. Johan Kumar, Advocate and
Dr. S.K. Bhar, Advocate
for respondents No.2 and 3 in **RSA-71-1999;**
for respondents No.3 and 4 in **RSA-72-1999;**
for respondents No.4 and 5 in **RSA-3912-1998 and**
for respondents No.5 and 6 in **RSA-3913-1998.**

None in **COCP-1620-2008.**

VIRINDER AGGARWAL, J.

1. The present common judgment is intended to govern the disposal of the four captioned Regular Second Appeals (hereinafter referred to as “RSAs”) and one COCP, all arising from the same legal and factual controversy. Given that the parties are identical in these matters and their respective counsel have expressed concurrence, the RSAs and COCP are being adjudicated together in the interest of judicial economy.

2. At the request of the learned counsel for the parties, the factual background for this common order is drawn from **RSA-71-1999**, titled “**Mahinder Singh and Another v. Girraj Singh (Since Deceased) Through his LRs and Others**”, as it comprehensively sets out the relevant facts. Since the issues in the connected matters are substantially similar, the

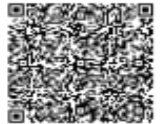


facts in **RSA-71-1999** shall be treated as representative for the adjudication of all the captioned cases.

3. The present RSAs have been instituted challenging the judgment and decree of the learned Additional District Judge, Faridabad, rendered by a consolidated order dated 07.11.1998, whereby five Civil Appeals were adjudicated. The said consolidated judgment confirmed the earlier judgment and decree passed by the learned Additional Senior Sub-Judge, Faridabad, in Civil Suit No. 237/1984, Civil Suit No.108/1986, and Civil Suit No.238/1985.

4. The brief facts giving rise to the aforesaid civil suits are that Sukh Ram was the owner in possession of the suit land measuring 31 Kanals 15 Marlas in the estate of Village Jawan, Tehsil Ballabgarh, District Faridabad. Being an elderly and issue-less person, he was visited by the defendants-Charan Singh and Phool Singh, father and son while defendant Lakhmi claimed possession of the suit land since 1979 in consideration of services rendered by him. Defendants Mohinder Singh and Satpal are minor sons of Lakhmi. All the defendants sought possession and ownership of the suit land from Sukh Ram.

4.1. Defendant Charan Singh contended that Sukh Ram executed a power of attorney in his favour on 16.05.1984, authorizing him to alienate the suit land. Acting on this, Charan Singh executed two sale deeds in favour of Phool Singh on 21.05.1984 and 24.05.1984, thereby transferring the entire suit land to Phool Singh for a valuable consideration. Meanwhile, defendants Mohinder Singh and Satpal claimed that the suit land was

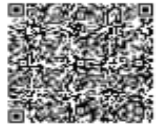


transferred to them through a family settlement, supported by a decree dated 14.01.1983, wherein Sukh Ram allegedly acknowledged them as owners.

4.2. Sukh Ram filed two civil suits: one against Charan Singh and Phool Singh, challenging the validity of the power of attorney and the subsequent sale deeds, and asserting that entries in the revenue records showing Lakhmi's possession were illegal; he sought declaration of ownership and permanent injunction. In the second suit, Phool Singh sought declaration and permanent injunction, challenging the judgment and decree allegedly obtained by Sukh Ram in favour of Mohinder Singh and Satpal and also disputing the revenue entries showing Lakhmi's possession. The third suit, filed by Sukh Ram, specifically assailed the judgment and decree allegedly obtained in favour of Mohinder Singh and Satpal.

4.3. Sukh Ram alleged that Charan Singh and Phool Singh obtained his signatures fraudulently, under the pretext of mortgaging the land to a bank, and procured a fictitious power of attorney, following which Charan Singh executed the sale deeds in favour of Phool Singh. He further contended that he never appeared in court to suffer the decree in favour of Mohinder Singh and Satpal, did not file any written statement, nor made any statement admitting their claims, and alleged that the decree was obtained through the appearance of impostor on his behalf.

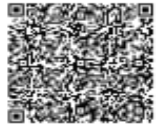
5. The suits were contested by the defendants on the ground that the power of attorney was validly executed by Sukh Ram in favour of Charan Singh, authorizing him to alienate the suit land, and that the sale deeds in favour of Phool Singh were executed with Sukh Ram's consent.



Satpal and Mohinder Singh contended that a valid family settlement existed between Sukh Ram and the answering defendants, and that Sukh Ram had appeared in their suit, filed a written statement, and made statement before the Court, thereby suffering the decree. Lakhmi, on the other hand, asserted that the possession of suit land had been given to him by Sukh Ram in consideration of services rendered, and that he has been in lawful possession of the land as ever since.

6. The appellants/plaintiffs filed a replication in which they not only reiterated and emphatically reaffirmed all material allegations set forth in the plaint but also specifically traversed and repelled the various pleas, contentions, and defenses advanced by the respondents in their written statement. Based on the pleadings of the parties, separate issues were initially framed in all three suits, and the parties began leading evidence. Subsequently, the suits were consolidated, with a direction that the evidence recorded in each suit be read across all the consolidated cases. It was further ordered that the issues framed in **Suit No. 237/1984**, titled “**Sukh Ram vs. Charan Singh and Others**”, would govern and exhaust the disputes in the other two consolidated suits, which are as follows:-

1. Whether the plaintiff is owner in possession of the suit land? OPP
2. Whether the general power of attorney dated 16.5.84 was obtained by fraud, mis- representation as alleged if so what effect? OPP
3. If issue no. 2 is proved, whether the sale deeds are valid? OPD
4. Whether the plaintiff has no locus-standi to file the present? OPD
5. Whether the suit is not maintainable in the present form? OPD
6. Whether the decree dated 14.1.83 is legal and divests the plaintiffs of ownership right in the suit land? OPD

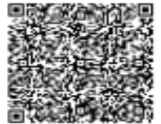


7. If issue no. 6 is proved, whether the decree in question was obtained by fraud and mis- representation? OPD
8. Whether the suit is not properly valued for the purposes of court fees and jurisdiction? OPD
9. Relief.

6.1. The issues in the main suit were held to govern the disposal of issues in the other consolidated cases. The learned Additional Senior Sub-Judge, Faridabad, after recording findings on various issues, held that the general power of attorney dated 16.05.1984, and the consequent sale deeds executed by the alleged attorney Charan Singh in favour of his father Phool Singh, were illegal, null and void, and vitiated by fraud and misrepresentation. It was further held that the judgment and decree dated 14.01.1983 in favour of Satpal and Mohinder Singh was illegal, null and void, and did not bind the rights of the plaintiff.

6.2. However, it was observed that Lakhmi was in possession of the suit land as per revenue records, and his possession constituted that of an unauthorized occupant. Consequently, the suit titled “**Sukh Ram v. Charan Singh and Others**” (Suit No. 237/1984) was decreed in favour of the plaintiff and against defendants No. 1 and 2, but dismissed against defendant No. 3, Lakhmi. The suit titled “**Sukh Ram v. Mahinder Singh and Another**” (Suit No. 238/1985) was decreed in favour of the plaintiff, whereas the suit titled “**Phool Singh v. Lakhmi**” (Suit No. 108/1984) was dismissed.

7. Aggrieved by the judgments and decrees so rendered, five appeals were filed, which were disposed of by a common judgment. The

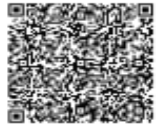


learned Additional District Judge, Faridabad, set aside the finding of the learned Additional Senior Sub-Judge regarding Lakhmi's possession of the suit land, holding that the plaintiff, Sukh Ram, was in possession of the land and that the change in Khasra Girdwari in favour of Lakhmi was unauthorized and not in accordance with law, and therefore invalid.

7.1. Accordingly, Civil Appeal No. 167 of 1993 (Phool Singh v. Girraj Singh and Others), Civil Appeal No. 169 of 1993 (Phool Singh v. Lakhmi and Others), and Civil Appeal No. 274 of 1993 (Mohinder Singh v. Girraj Singh) were dismissed with costs. In contrast, Civil Appeal No. 184 of 1993 (Girraj Singh v. Charan Singh and Others) and Civil Appeal No. 168 of 1998 (Girraj Singh v. Lakhmi and Others) were allowed with costs. Consequently, Civil Suit No. 237 of 1986 (Sukh Ram v. Charan Singh and Others) and Civil Suit No. 238 of 1988 (Sukh Ram v. Mahender Singh and Others) were decreed with costs, whereas Civil Suit No. 108 of 1986 was dismissed.

8. Four appeals were filed challenging the common judgment and decree. Upon issuance of notice of motion, the respondents appeared and contested the appeals, and the record was requisitioned. After preliminary hearing, the appeals were admitted for hearing, and this Court, on 04.08.1999, passed an order maintaining status quo with respect to possession.

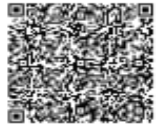
8.1. Subsequently, petitioners Mohinder Singh and Satpal filed COCP No. 1620 of 2008 in RSA-72-1999 against the respondents, alleging that respondent Girraj Singh executed a sale deed in favour of Smt. Kashturi,



wife of Ram Singh, dated 12.01.2006, and caused mutation No. 4368 to be sanctioned in her favour, fully aware of the status quo order. It is further contended that, on the night of 08.07.2007, the respondents forcibly entered the suit land, destroyed the standing crop, and despite a complaint lodged with the police and DDR being recorded, no action was taken against them. Thereafter, the respondents are alleged to have forcibly taken possession of the suit land in violation of the status quo order, thereby attracting proceedings under the Contempt of Courts Act.

9. Respondent No. 3 contested the contempt petition by filing a written reply in the form of an affidavit, asserting that she is the lawful owner in possession of the suit land by virtue of the sale deed dated 12.01.2006. She further submitted that the execution of the sale deed and the sanctioning of mutation did not violate the status quo order, and that the petitioners were never in possession of the suit land; therefore, there was no question of their dispossession.

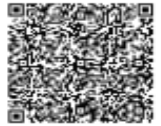
9.1. Respondent No. 2, Phool Singh, also contested the petition by filing a reply, raising preliminary objections that he was not a contesting party in the RSA and had not violated any order of this Court. He further submitted that he was not a party to **Civil Suit No. 238 of 1985 (Girraj Singh v. Mahinder Singh and Another)**, but had filed **Civil Suit No. 108 of 1986 (Phool Singh v. Lakhmi and Another)**. On merits, he contended that he had shown no disrespect to the Court's order, had committed no contempt, and prayed for dismissal of the petition.



10. As Charan Singh and Phool Singh have not challenged the findings of the courts below regarding the power of attorney allegedly executed in favour of Charan Singh and the sale deeds executed pursuant thereto in favour of Phool Singh, those findings, declaring the same to be null and void, have attained finality. The sole issue remaining for determination before this Court in these four appeals pertains to the legality and validity of the judgment and decree dated 14.01.1983 and the question of Lakhmi's possession over the suit land.

11. Learned counsel for the appellants submitted that the courts below erred in setting aside the judgment and decree dated 14.01.1983 in favour of the appellants, Satpal and Mohinder Singh, which was lawfully suffered by Sukh Ram in the suit filed by them on the basis of a family settlement. It was contended that the suit land was transferred to the appellants under a valid family settlement, which was duly admitted by Sukh Ram, and that the decree in their favour was therefore legally valid. The findings of the lower courts that Sukh Ram did not suffer the decree or that an impostor was produced are erroneous, contrary to the pleadings and evidence on record, and does not arise from a complete misreading of the evidence.

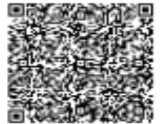
11.1. It was further contended that the learned First Appellate Court's finding that Lakhmi was not in possession of the suit land is also bad in law. Revenue records in the form of Khasra Girdwari and Jamabandi, placed on record, clearly establish that Lakhmi was in possession of the suit land. The learned First Appellate Court committed a manifest illegality by reversing



the well-reasoned finding of the learned Additional Senior Sub-Judge, Faridabad, which had held Lakhmi to be in possession based on revenue records and admissions made by Sukh Ram in cross-examination. Consequently, it was urged that the findings of the learned First Appellate Court regarding Lakhmi's possession, and the concurrent findings of both lower courts declaring the decree of 14.01.1983 as obtained by impersonation, be set aside and the appeals be allowed.

12. Learned counsel further contended that, during the pendency of the suit, respondent Girraj Singh, legal heir of Sukh Ram, in blatant violation of the status quo order passed by this Court, executed a sale deed of the suit land in favour of Kashturi and procured sanction of mutation in her favour. It was further submitted that the respondents, in contempt of the Court's order, forcibly took possession of the suit land. Accordingly, it was urged that the contemnors be proceeded against and punished for willful violation of this Court's directions under the Contempt of Courts Act.

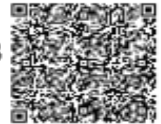
13. On the other hand, learned counsel for the respondents contended that the findings recorded by the courts below suffer from no illegality or infirmity. The judgments are based on a correct appraisal of the pleadings and evidence on record, and there has been no misreading of evidence. It was further submitted that the appellants, Satpal and Mohinder Singh, never claimed possession of the suit land, and therefore, there was no question of any violation of the status quo order passed by this Court. Accordingly, it was urged that the appeals and the contempt petition be dismissed.



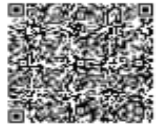
14. I have carefully considered the submissions advanced by the learned counsel appearing for the respective parties, and after a detailed and meticulous examination of the entire record, including the pleadings, evidence, and documents placed on file, I have undertaken a thorough perusal of all relevant materials to arrive at a fair and just adjudication of the matters at hand.

15. The scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of **Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016)6 SCC 157**, followed by the judgments in the case of **Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317** and **Satender and others V/s Saroj and others, 2022(12) Scale 92**. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

16. As regards the judgment and decree dated 14.01.1983 in favour of the appellants, Satpal and Mohinder Singh, both the courts below recorded that the appellants were not related to Sukh Ram in any manner and had not rendered any services to him. Consequently, no family settlement could take place between the parties. It was further observed that, in the absence of any pre-existing right of the appellants in the suit property, the judgment and decree required compulsory registration, and for want of such registration, the decree could not convey any title in their favour.



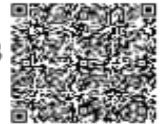
16.1. The Courts also considered the conflicting expert evidence regarding the thumb impressions on the court file. The handwriting and fingerprint expert produced by Sukh Ram reported that the thumb impressions on the written statement and statements before the Court did not match Sukh Ram's standard impressions, as the former were of whorl type while the latter were double-loop type, indicating they were not of the same person. The appellants produced a counter-expert report alleging that one impression (A2) was ink-smudged and the others (A1, A3, A4) were superimposed. The appellants contended that the thumb impressions were tampered with after the expert report of Sukh Ram, to prevent accurate comparison. However, even if this contention is accepted, it confirms that at the time of examination by Sukh Ram's expert, the impressions were clear in the Court file, and photographs of the impressions as those were in file were taken. The expert's comparison showed fundamental differences in pattern type between the standard and disputed impressions, thereby validating the report. The appellants' expert admitted that no two opinions are possible in fingerprint comparison in such cases. Therefore, both courts rightly held that the decree dated 14.01.1983 was not lawfully suffered by Sukh Ram, and no family settlement could exist between the parties. Further, the First Appellate Court correctly observed that, without registration, the decree could not confer title in favour of the appellants under the Indian Registration Act, 1908 as there was no pre-existing right of Mahinder Singh and Satpal in suit land. Accordingly, the findings of both courts regarding the judgment and decree dated 14.01.1983 are hereby affirmed.



16.2. As regards the possession of appellant Lakhmi, the learned Additional Senior Sub-Judge recorded that Lakhmi was in possession of the suit land, based on entries in the Khasra Girdwari, Jamabandi, and admission made by Sukh Ram in cross-examination.

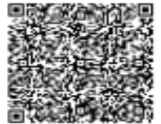
17. The learned First Appellate Court, however, reversed the earlier finding on the ground that the change in the Khasra Girdwari entry was made without giving notice to Sukh Ram, in accordance with law and the rules framed thereunder, and therefore, Lakhmi was not held to be in possession of the suit land. The findings of the learned First Appellate Court are reflected in Paras 54 and 55 of the impugned judgment, which read as follows: :-

54. In his suit, Sukh Ram claimed himself to be owner in possession of the suit land. He also alleged that Lakhmi, defendant no.3, in collusion with Patwari and Revenue Officials illegally got his name entered in the Khasra girdawari from Kharif 1979 to Rabi 1994 (Ex.P-5) and for the period from Kharif 1983 to Rabi 1984 (p.6) and Jamabandi for the year 1982-83 (Ex.P-4). He also claimed that the entries are fictitious and without any basis. The learned counsel for plaintiff Sukh Ram has argued that no such change could be affected without giving notice to the affected party i.e. Sukh Ram in accordance with law and rules framed there under. The change effected without following due process of law are not maintainable. I find force in the argument of Shri Mangla that by mere saying of Sukh Ram during the course of his statement that he had once or twice given the land to Lakhmi for cultivation is not sufficient unless it is specifically proved that he was given notice in writing before effecting change in khasra girdawari in favour of Lakhmi.



55. PW-2 Sukh Ram stated on oath that no notice was given to him before changing entries in Khasra -girdawari in favour of Lakhmi. In view of the above discussed evidence, I feel satisfied that the learned lower court erred in observing in para no. 41 of the impugned judgment that the possession of Lakhmi has been established but not as an owner or tenant. In my view the possession neither of Lakhmi nor of Phool Singh has been established by any cogent evidence.

18. The learned Additional Senior Sub-Judge, Faridabad, recorded that the change in '*Khasra Girdwari*' was effected in the year 1979-80, and the Jamabandi entry recorded the possession of Lakhmi as "**Bila Lagan Bawaja Tasawar Malkiat Khud.**" It is not disputed that prior to effecting any change in the Khasra Girdwari entries in favour of Lakhmi, no notice was ever served upon Sukh Ram, the owner in possession of the suit land. As per the instructions issued by the Financial Commissioner, such notice was mandatory, and in the absence thereof, the change was rightly held to be legally invalid. On the basis of these '*Khasra Girdwari*' entries, the Jamabandi entry regarding possession was also altered in the name of Lakhmi, again without notice to Sukh Ram. The learned First Appellate Court correctly concluded that, since the revenue entries reflecting Lakhmi's name in the possession column were made without following the prescribed legal procedure, they are void in law, and on the basis of such entries, Lakhmi cannot be deemed to be in possession of the suit land. Accordingly, it was rightly held that Sukh Ram is in lawful possession of the suit land. There is no admission of Sukh Ram in cross-examination that Lakhmi was in possession of suit land on the date of filing of suit.



18.1. Since the plaintiff was found to be in possession, no consequential relief regarding possession was necessary, and the suit for declaration and permanent injunction was rightly held to be maintainable by the learned First Appellate Court. This Court finds no illegality or infirmity in the findings of the learned First Appellate Court, which are accordingly affirmed, and all four appeals are dismissed.

18.2. As regards the contempt petition, since Satpal and Mohinder Singh were never in possession of the suit land, there can be no question of any violation of this Court's order of *status quo* regarding possession by the execution of the sale deed, sanctioning of mutation, or delivery of possession to Kashturi. Furthermore, the appellants have failed to specify the exact date, month, or year when the alleged forcible possession occurred. If such an incident had indeed taken place, precise details would have been provided. Instead, the petition merely states that the respondents "**recently**" took forcible possession, which clearly renders the claim unsustainable.

Paragraph 6 of the contempt petition reads as follows:-

*6. That it is also worthwhile to mention that since no action was being taken against them by police authorities, be raised the courage of respondent/contemnors, thus, **recently**, the respondents/contemnors in connivance with each other have taken forcible possession of the suit land by using muscle power and Goonda elements by adopting illegal and unlawful devices despite of High Court orders.*

19. A perusal of the aforesaid paragraph of the contempt petition clearly indicates that the petition has been filed on vague and unspecific averments, lacking any factual foundation or substantive merit. The



allegations made therein are devoid of particularity and fail to establish any deliberate or willful disobedience of the orders passed by the Court. In view of the foregoing, the contempt petition is found to be wholly misconceived and without substance, and is therefore dismissed.

20. In view of the fact that the main matter has now been finally and conclusively adjudicated by this Court, it is directed that all pending miscellaneous application(s), if any, which are connected with or arise out of these proceedings, shall also stand disposed of in consequence, and no further orders shall be required in respect of such applications.

21. A photocopy of this judgment shall be duly placed on the records of all connected files to ensure proper compliance, facilitate reference in related matters, and serve as authoritative guidance for any future proceedings arising out of these cases.

13.10.2025
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No