



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

RSA No.565 of 1992 (O&M)

Reserved on: 01.04.2026

Pronounced on: 22.06.2026

Uploaded on : 22.06.2026

Bal Singh and others

...Appellants

Vs

Godha Ram and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Mr. Sourabh Singla, Advocate
for the appellants.

Mr. Dhiraj Jindal, Advocate
for respondents No.1(iii), 2(i), 5(i), 6 & 7.

VIKRAM AGGARWAL, J

This is plaintiffs' appeal against judgment and decree dated 28.10.1991, passed by the Court of Additional District Judge, Patiala, dismissing the appeal against the judgment and decree dated 30.11.1987, passed by the Court of Sub Judge First Class, Patiala, vide which the suit filed by the plaintiffs had been dismissed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. The plaintiffs (Bal Singh and others) instituted a suit for permanent injunction restraining the defendants (Raja Ram and Saddam Bai) from alienating land measuring 56 Kanals 18 Marlas (fully described in the plaint) situated in Village Shutrana, Tehsil Samana, District Patiala (hereinafter referred to as the suit land).

3.1 It was claimed that the suit land was owned by one Basaya Ram. After his death, it was inherited by defendant No.2-Saddan Bai, being

his widow, she having been so declared vide judgment and decree dated 28.02.1978.

3.2 It was averred that after satisfying that Saddam Bai was the owner of the suit land, the same was purchased by the plaintiffs by way of different registered sale deeds starting from 1974 to 1978 (the details of the sale deeds were given in the plaint).

3.3 It was claimed that the plaintiffs were *bona fide* purchasers of the suit land for consideration and without any defect in the title of the vendor.

3.4 It was claimed that upon the basis of the sale deeds, mutations were sanctioned in favour of the plaintiffs and they were in cultivating possession of the same.

3.5 It was averred that the defendants were in litigation with each other but had subsequently conspired and were threatening to alienate the suit land which led to the filing of the suit.

4. Defendant No.1 filed a written statement raising a preliminary objection as regards the maintainability of the suit, being a simplicitor suit for injunction.

4.1 It was admitted that the suit land was owned by Basaya Ram but was denied that the same had been inherited by defendant No.2. It was averred that Saddam Bai was the widow of one Jattu Ram and had no relationship, whatsoever, with late Sh. Basaya Ram. It was claimed that Basaya Ram had expired issueless and his wife had pre-deceased him. It was claimed that defendant No.1 being the brother of Basaya Ram, had inherited the suit land, being his sole legal heir.

4.2 The existence of a judgment in favour of Saddam Bai was denied and it was averred that in any case, it had no legal effect.

4.3 The execution of the sale deeds relied upon by the plaintiffs was denied. It was claimed that the plaintiffs were fully aware that defendant No.1 was the only heir and successor of Basaya Ram. The sale deeds in favour of the plaintiffs were claimed to be null and void.

5. Saddam Bai (defendant No.2) filed a separate written statement. She admitted that the suit land was owned by Basaya Ram but denied that she had inherited the same. It was averred that she was the wife of one Jethu Ram and she had never solemnized marriage with Basaya Ram. It was averred that she was a poor woman who used to do household work of Basaya Ram.

5.1. It was averred that the plaintiffs had terrorized defendant No.2 that they would get her killed in case she did not side with them and claim to be the wife of Basaya Ram. It was averred that the land of plaintiffs No.1, 2 and 3 adjoined the suit land and they wanted to illegally grab the same. It was averred that she had one son Bhagwana Ram and two daughters from her marriage with Jethu Ram.

5.2. It was averred that defendant No.1 was the sole and absolute owner of the suit land, being the brother of Basaya Ram.

6. In the replication, averments made in the written statement were denied and those made in the plaint were reiterated.

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

“1. Whether Smt. Saddam Bai defendant no.2 is the legal wedded wife of late Basaya Ram? OPP

2. *Whether the plaintiffs purchased the land in question for value for Smt. Saddam Bai, and if so, its effect? OPP*
 3. *Whether the defendant no.1 is the only legal heir and successor of Wasaya Ram? OPD-1*
 4. *Whether the said sale deeds were executed under undue influence and coercion? OPD-2*
 5. *Whether the plaintiffs are entitled to the injunction as prayed for? OPP*
 6. *Relief.”*
8. Parties led their respective evidence.
9. The trial Court dismissed the suit vide judgment and decree dated 30.11.1987 and the appeal preferred against the same was also dismissed by the First appellate Court vide judgment and decree dated 28.10.1991. It appears that Raja Ram expired during the pendency of the suit as a result of which, his legal representatives were brought on record and the plaint was also amended. Aggrieved by the same, the instant appeal was instituted.
10. Learned counsel for the parties were heard.
11. It was strenuously urged by learned counsel for the plaintiffs that they were *bona fide* purchasers of the suit land for consideration by way of different registered sale deeds pursuant to which mutations had also been sanctioned. It was averred that pursuant to the said sale deeds, mutation had also been sanctioned. Reference was made to the judgment dated 28.02.1978 passed in the case of Saddam Bai Vs. Manohar Lal by the Court of Sub Judge First Class, Patiala, wherein Saddam Bai had been held to be the widow and legal heir of Basaya Ram.

11.1. Learned counsel submitted that though the said judgment and decree had been set aside in an appeal preferred by Manohar Lal, the same was on the basis of a compromise having been arrived at with Saddam Bai.

11.2. It was submitted that despite the fact that Saddam Bai had been proved to be the widow of Basaya Ram on record, both Courts recorded perverse findings and erroneously non-suited the plaintiffs. It was also submitted by learned counsel that the sale deeds in favour of the plaintiffs had been executed after the judgment and decree dated 28.02.1978 having been passed and before a compromise having been arrived at between Saddam Bai and Raja Ram. It was further argued that even on the compromise, Saddam Bai signed as widow of Basaya Ram.

12. *Per contra*, learned counsel for the respondents submitted that mutation in favour of Saddam Bai had been cancelled on 24.09.1981 (Ex.DX).

13. It was also argued that it had been proved on record that Saddam Bai was the wife of one Jethu Ram and Basaya Ram had only one brother namely Raja Ram. It was also argued that no evidence had been led by the plaintiffs to even prima facie prove that Saddam Bai was the widow of Basaya Ram. It was submitted that the land of Ram Chand, Bant Singh, Amar Singh and Gurbachan Singh was adjoining the land of Basaya Ram and with a view to usurp the same, they took advantage of Saddam Bai who was a mere worker in the house of Basaya Ram.

13.1. It was submitted that the plea of the plaintiffs being *bona fide* purchasers for consideration would not be available since the sale deeds had been executed fraudulently and further, Saddam Bai had no title to the suit

land and, therefore, she could not have conveyed a title better than she herself possessed.

13. I have considered the submissions made by learned counsel for the parties.

15. As regards 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 substantial question of law is required to be framed.

16. There are certain admitted facts. The suit land was owned by Basaya Ram. It is also an admitted fact that he expired on 23.04.1974. It is further an admitted fact that mutation as regards the estate of Basaya Ram was sanctioned in favour of Saddam Bai. It is also an admitted fact that the plaintiffs purchased the suit land by way of five different sale deeds and mutations on the basis of the said sale deeds were also sanctioned. It has also come on record that the mutation in favour of Saddam Bai had been cancelled upon an application having been moved by Raja Ram, brother of Basaya Ram (Ex.DX). To prove that Saddam Bai was the widow of Basaya Ram, practically no evidence was led. No witness from the brotherhood of Basaya Ram was examined nor was any witness from the village examined to prove that Saddam Bai and Basaya Ram were husband and wife. Two

witnesses namely PW-1 Bal Singh and PW-4 Ram Chand did state that Saddam Bai was the wife of Basaya Ram and that they knew her as such for 25 years. However, PW-1 Bal Singh was himself a plaintiff and PW-4 Ram Chand was the husband of plaintiff No.4-Suresh Kumari and son of plaintiff No. 5-Garhu Ram. The other witnesses did not utter even a single word as regards Saddam Bai being the wife of Basaya Ram. Based upon the same, both Courts recorded concurrent findings of facts that it had not been proved on record that Saddam Bai was the widow of Basaya Ram. The name of Saddam Bai in the voter list as widow of Basaya Ram was also not relied upon since it had not been proved in accordance with law.

17. In so far as the judgment dated 28.02.1978 (Ex.PX/11) is concerned, the same had been set aside by the Appellate Court on 28.07.1979. Both Courts, therefore rightly held that once the judgment had been set aside by the Appellate Court, even if on the basis of a compromise, the findings returned in the judgment rendered by the trial Court could not be relied upon.

18. On the other hand, Rani Bai, wife of Ram Chand who stepped into the witness box as DW-1 and even Saddam Bai who appeared as DW-6 clearly stated that Saddam Bai was the wife of Jethu Ram. DW-1 Rani Bai stated that Saddam Bai was her mother and Jethu Ram was the husband of Saddam Bai. She also deposed that Saddam Bai had two daughters and one son from her marriage with Jethu Ram and that apart from Jethu Ram, she had not solemnized marriage with anyone else. She also deposed that Saddam Bai used to do household work at the house of Basaya Ram. DW-4 Manohar Lal also stated that Saddam Bai was married to Jethu Ram and that Basaya Ram had only a brother namely Raja Ram. He also stated that

Saddan Bai had no relation with Basaya Ram. Similar was the statement of DW-5 Shankar Dass. Shankar Dass also stated that Saddan Bai was working as a maid servant in the house of Basaya Ram.

19. Once Saddan Bai was not proved to be the widow of Basaya Ram and mutation in her favour having been cancelled and the judgment vide which she had been declared to be the legal heir of Basaya Ram having been set aside, she could not have been said to be the owner of the suit land even if briefly she was so recorded. Once her title was defective and had been obtained fraudulently, the sale deeds executed by her in favour of the plaintiffs could not have been said to be legal and valid and no benefit could have been granted to the plaintiffs of being *bona fide* purchasers for consideration without any defect in the title.

20. It was rightly held by both Courts that the remedy with the plaintiffs was to stake their claims against Saddan Bai and not against Raja Ram or his legal heirs. No one can be permitted to defeat the rights of lawful and legal successors by way of fraudulent acts. Both Courts, therefore, rightly non-suited the plaintiffs.

21. This Court does not find any illegality in the impugned judgments warranting interference.

22. That being so, the instant appeal is found to be devoid of merit and is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

Pronounced on: 22.06.2026

Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No