



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

(132)

**RSA-1329-2026 (O&M)**Date of Decision: **08.04.2026**

DARSHAN SINGH AND ANOTHER

... Appellants

Versus

TULSA KAUR

... Respondent

\*\*\*\*

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**Present:- Mr. Hardeep Singh, Advocate  
for the appellants.

\*\*\*\*

**VIRINDER AGGARWAL, J.** (Oral)

1. The present Regular Second Appeal (for short, "RSA") has been preferred assailing the concurrent judgments and decrees dated 06.03.2026 passed by the learned District Judge, Barnala and dated 04.12.2023 passed by the learned Civil Judge (Junior Division), Barnala, whereby the suit for permanent injunction instituted by the respondent–plaintiff has been decreed.

2. Succinctly put, the respondent–plaintiff instituted a suit for permanent injunction seeking to restrain the appellant–defendant from interfering with her peaceful possession, from dispossessing her, from getting the suit property transferred in his name, from altering its nature, and from causing any damage thereto. The plaintiff also sought possession of the ground floor portion of the suit property.



2.1 It was pleaded that the plaintiff is the owner in possession of the suit property. The defendants, who are her son and daughter-in-law, were permitted to reside in the ground floor portion of the house, whereas the plaintiff herself resides on the first floor, in terms of an agreement dated 12.12.2012. It was further averred that the plaintiff had orally partitioned her properties, whereby the suit property was given to appellant–defendant No.1 for use and occupation, subject to the explicit condition that the plaintiff would remain the owner thereof during her lifetime, while another property was allotted to her other son, namely Kala Singh.

2.2 It was specifically stipulated that the ownership of the suit property would vest with the plaintiff during her lifetime. It was further alleged that the defendants ceased to take care of the plaintiff and failed to provide her with financial support, compelling her to initiate maintenance proceedings before the Family Court at Barnala. It was contended that, in view of the defendants' failure to adhere to the conditions of the arrangement, the plaintiff became entitled to seek possession of the ground floor portion. It was further alleged that the defendants were threatening to interfere with her possession, thereby necessitating the institution of the present suit.

3. The suit was contested by the appellant–defendant, who, while admitting that the plaintiff had divided her property and retained ownership of the suit property during her lifetime, asserted that the defendants were permitted to reside in the premises and that defendant No.1 would become the owner thereof upon the demise of the plaintiff. It was denied that the



defendants had neglected or failed to maintain the plaintiff; rather, it was pleaded that they had been duly maintaining her. It was further alleged that the suit had been instituted at the instance of the plaintiff's other son, namely Kala Singh, with an ulterior motive to usurp the property. The maintenance proceedings were also alleged to have been initiated on false and frivolous grounds.

4. The plaintiff filed a replication, wherein the assertions and objections raised in the written statement were categorically denied, and the averments contained in the plaint were reiterated and reaffirmed. Upon a comprehensive and careful scrutiny of the pleadings on record, as well as the rival contentions advanced by the parties, the learned Trial Court deemed it appropriate to crystallize the matters in controversy and, for the purpose of a systematic and legally coherent adjudication, proceeded to frame the following issues for determination:-

1. Whether plaintiff is entitled to permanent injunction as prayed for?  
OPP
- 1A. Whether plaintiff is entitled to relief of possession as prayed for?  
OPP
2. Whether suit of plaintiff is not maintainable in the present form?  
OPD
3. Whether the plaintiff is estopped from filing the suit by her act and conduct?OPD
4. Whether the plaintiff has no locus-standi and cause of action to file the suit?OPP
5. Whether plaintiff has not come to the court with clean hands?OPD
6. Whether suit of plaintiff is barred by principle of resjudicata?OPD
7. Whether suit of the plaintiff is properly valued?OPD



8. Whether defendants are entitled to recover compensatory costs U/s.35-A CPC from plaintiff?OPD
  9. Relief.
5. Both parties were afforded full and adequate opportunity to adduce evidence pursuant to the framing of issues. Upon hearing learned counsel for the parties and upon a comprehensive appreciation of the pleadings and evidence on record, the learned Trial Court decreed the suit. The appeal preferred by the appellant–defendant was thereafter dismissed by the learned District Judge, Barnala. Aggrieved by the concurrent judgments and decrees passed by the Courts below, the present Regular Second Appeal has been instituted.
6. I have heard learned counsel for the appellants at considerable length and have bestowed anxious and thoughtful consideration upon the submissions advanced, in the light of the pleadings of the parties, the evidentiary material brought on record, and the concurrent findings returned by the Courts below.
7. It is an admitted position that the respondent–plaintiff is the owner of the suit property. It is equally undisputed that she had entered into an arrangement whereby the suit property was agreed to be given to defendant No.1; however, the same was expressly subject to the condition that the respondent–plaintiff would continue to remain the owner thereof during her lifetime. The appellants–defendants were, thus, conferred only a limited right of residence in the suit property.
- 7.1 On the basis of the evidence on record, both the Courts below have concurrently held that the license in favour of the appellants–defendants stood validly revoked, inter alia, on account of their failure to



maintain and support the respondent–plaintiff, compelling her to institute maintenance proceedings. It has further been found that the appellants–defendants were extending threats to dispossess the respondent–plaintiff from the first floor portion as well.

7.2 In view of the aforesaid findings, this Court finds no illegality, infirmity, or perversity in the conclusions arrived at by the learned Courts below. The findings are well-reasoned and based on proper appreciation of evidence, and do not warrant any interference in exercise of appellate jurisdiction. Consequently, the present appeal, being devoid of merit, is hereby **dismissed**.

8. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No further orders are required to be passed in that regard.

**08.04.2026**  
Gaurav Sorot

**( VIRINDER AGGARWAL )**  
**JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No