

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3330/2012

PUNNU RAM

Appellant(s)

VERSUS

LATURIA RAM DEAD TH. LRS

Respondent(s)

O R D E R

We have heard the learned counsel appearing for the appellant and the learned Amicus Curiae.

The appellant before us is the plaintiff in the suit. The suit was for mandatory injunction and possession.

The case of the appellant is that he is the owner of the property and he permitted the respondent to use the property as a licensee.

A defence was taken by the respondent that there is a tenancy. In support of the defence, the respondent has relied upon the revenue entry in which the respondent is shown as the 'Gair Marusi' of the appellant that is the tenant of the appellant. The Trial Court accepted this revenue entry and dismissed the suit. There is no dispute with regard to the said revenue entry. The only case of the appellant is that the entry so made was wrong.

The First Appellate Court was pleased to reverse the judgment and decree of the Trial Court by drawing an adverse inference against the respondent on the premise that the respondent has not chosen to step into the witness box. Such view of the First Appellate Court has been reversed by the High Court *inter alia* expressing its agreement with the reasoning of the Trial Court.

The learned counsel appearing for the appellant submitted that as the respondent had not entered the witness box, the High Court has committed an error in restoring the judgment and decree of the Trial Court and the evidence rendered by the plaintiff's witnesses was not taken into consideration by the High Court.

We do not find any merit in this appeal.

The revenue records clearly indicate the fact that the respondent was a tenant, from 1965 onwards. In such case, there is no need for the respondent, being the defendant, to step into the witness box. The need to step into the witness would arise only when a new fact which is asserted by a party is required to be proved.

The appellant, being the plaintiff, must stand on his own legs to prove his case. As a defendant, it is well open to the respondent to take even inconsistent pleas, which is not available in the

case on hand.

So long as the document is not in dispute and it is the appellant who seeks to interpret it in a different way which has not been found in his favour by the Courts below, coupled with the further fact that the revenue officers were neither made parties nor were they examined in the present proceedings, we do not find any reason to interfere with the impugned judgment passed by the High Court.

However, inasmuch as the title of the appellant is not in dispute as the very plea of the respondent itself is one of tenancy, liberty is granted to the appellant to initiate fresh proceedings in which case the present proceedings will not come in the way.

Accordingly, the appeal stands dismissed with aforesaid liberty.

The able assistance rendered by the learned Amicus Curiae is placed on record.

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

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
AUGUST 19, 2026.

ITEM NO.103

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3330/2012

PUNNU RAM

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VERSUS

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Respondent(s)

(Ms. Awstika Das, Advocate as Amicus Curiae)

Date : 19-08-2026 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) Mrs. Naresh Bakshi, AOR
 Mr. Amit Pai, Adv.
 Ms. Pankhuri Bhardwaj, Adv.
 Ms. Bhavana Duhoon, Adv.
 Ms. Ananya Mehrotra, Adv.
 Mrs. Naresh Bakshi, Adv.

For Respondent(s) Ms. Awstika Das, Adv./AC
 Mr. Sidharth Kaushik, Adv.
 Ms. Nidhi Raj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.
 Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL)
 DEPUTY REGISTRAR

(POONAM VAID)
 ASSISTANT REGISTRAR

[Signed order is placed on the file]