

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.320 of 2009 (O&M)

Date of decision: 21.09.2015

Sohan Singh

..... Appellant

versus

Ajit Singh and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Vikas Bahl, Senior Advocate with
Ms. Samiya Singh, Advocate for the appellant
Mr. Harkirat Singh, Advocate for respondents

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Challenged in the present regular second appeal is the judgment and decree dated 4.11.2008, passed by the learned Additional District Judge, Nawanshahar affirming the judgment and decree dated 8.1.2007, passed by the learned Civil Judge, Junior Division, Nawanshahar, vide which, suit of the plaintiff was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

The perusal of the judgment of both the Courts below and the original file would show that the plaintiff had filed a suit for possession, in which, he had stated that his father Bhagat Singh was owner of land measuring 31 kanals 11 marlas and that defendant

Nos.1 and 2 claimed that they have purchased some part of the property through the sale deed and further transferred the same to defendant Nos.4 and 5. In the written statement, the defendant Nos.1 and 2 have specifically claimed that they had purchased 11 kanals of land from Bhagat Singh through sale deed dated 13.11.1982 and they further sold the same through registered sale deed to defendant Nos.4 and 5 on 9.5.1983 in equal shares. It was further claimed that defendant No.3 being the attorney of Bhagat Singh sold 20 kanals 11 marlas of land through sale deed dated 18.4.1983 to defendant No.5 and delivered its possession. It was further claimed that Bhagat Singh executed a registered Will dated 2.9.1983 in favour of defendant No.3. It was further claimed that plaintiff is not the son of Bhagat Singh but he is the son of one Sarwan Singh.

Lower Court recorded the finding that the plaintiff is son of Bhagat Singh. However, the other findings regarding power of attorney, sale deeds and Will were recorded in favour of the defendants.

There are concurrent findings of facts of two Courts below. Even the sale deeds set up by the defendants, power of attorney and the Will have not been specifically challenged in the suit nor any prayer was made that these be set aside. Only vague reference was made to the same in paragraph No.3 of the plaint and the prayer is only for decree for possession. The decree for possession cannot be granted without setting aside the sale deeds, power of attorney and the Will.

It being so, the suit suffers from said material defects by not challenging those documents. Even if the said fact is ignored, the findings of facts have been recorded by the lower Court affirming that the sale deeds and other documents are proved to be genuine. No substantial question of law arises in the present regular second appeal. Hence, the appeal is dismissed.

In view of disposal of the appeal, all the pending applications also stand disposed of.

21.09.2015*gk***(Kuldip Singh)
Judge**