

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

**RSA No.1355 of 2010(O&M)
Date of Decision: 30.03.2015**

Ram Chander

... Appellant

Versus

Hardwari Lal & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. P.C. Goyal, Advocate,
for the appellant.

Mr. Sanjay Vashisht, Advocate,
for respondents No.1 to 4.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Indisputably the appellant/plaintiff before this Court, purchased the suit land from one Shri Chand in excess of Shri Chand's actual share in his family's ancestral property and therefore, the decrees have been restricted to the sale of the share of Shri Chand from whom he had bought the suit property. It is well settled that a sale deed in excess of rights to property is not open to be per se cancelled but can be saved by restricting the same to the share of the owner from whom rights are claimed by the vendee.

Therefore, the argument of Mr. Goyal that there is a contradiction between the last paragraph of the judgment and decree of the trial Court is not acceptable since a judgment contains only reasons to pass a decree. It is the decree which is appealable and not really the judgment. If any shortcoming is found in the judgment of the learned trial Court which does not affect the result then it is largely ignorable and would be

understood from the angle of what is decreed. The appellant cannot possibly take more than 1 Kanal 10 marlas of the land since he can step into the shoes of the vendor to the extent of his share in joint ancestral property and nothing more and the sale can easily be restricted to the share of the vendor.

For the foregoing reasons, no question of law, much less a substantial one arises in this appeal warranting interference in jurisdiction in regular second appeal. The appeal is devoid of merit and consequently the same is ordered to be dismissed and sent to the record room.

30.3.2015
monika

(RAJIV NARAIN RAINA)
JUDGE