

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

**RSA No. 404 of 2013 (O&M)
Date of Decision: 03.11.2015**

Sujan Singh

..... Appellant

Versus

Tota Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Jasdev Singh Mehndiratta, Advocate
for the appellant.

Mr. N.S. Shekhawat, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

Present appeal is against the concurrent findings of the facts of Courts below whereby the suit for declaration of possession of agricultural land measuring 16 Kanal 0 Marla comprised in khasra No. 38//6 (8-0) 15 (8-0) kitta 2 khewat No. 158, khatoni No. 204, situated at village Akanwali, Tehsil Tohana, District Fatehabad, has been dismissed.

Mr. Jasdev Singh Mehndiratta, learned counsel appearing on behalf of the appellant-plaintiff submits that the declaration of Rapat No. 207 dated 04.01.1982 was also challenged on the premise that exchange of the land was not registered. Any immovable property having value more

than Rs. 100/- is required to be registered. The suit of plaintiff/appellant filed in the year 2008 *ex facie* was time barred, thus there is illegality and perversity, much less substantial question of law arises for determination.

Mr. N.S. Shekhawat, learned counsel appearing on behalf of the respondent-defendant submits that the respondent did not come to the Court with clean hand as the factum of sale deed dated 26.09.1984 executed in favour of his wife has not been disclosed and, therefore, claim qua the possession was not maintainable.

I have heard learned counsel for the parties and appraised the paper book.

In view of the fact that the appellant-plaintiff has executed the sale deed dated 26.09.1984 in favour of his wife, the appellant was not left with any share, title or interest in the property, therefore, could not claim the possession, much less, challenge the exchange deed in the year 1982 in the suit and in my view, the suit filed in the year 2008 was based upon false and frivolous facts.

Both the Courts below have rendered a finding of fact and law after appreciation of both oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the Courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

November 03, 2015

'dk kamra'

**(AMIT RAWAL)
JUDGE**