

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1124 of 2015 (O/M)
Date of decision : 1.12.2015

Bhupinder Rai

..... Appellant

Versus

Shyam Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikram Singh, Advocate, for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Challenged in the present regular second appeal is the judgment and decree dated 16.9.2014, passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri, affirming the judgment and decree dated 15.11.2011, passed by the learned Civil Judge (Junior Division), Jagadhri, vide which the suit of the plaintiff for declaration and permanent injunction, was dismissed.

Briefly stated, the plaintiff claims that he is in possession of the suit property on the basis of an agreement of sale dated 8.2.1991, executed by defendant No. 4. He has challenged the sale

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deed dated 27.7.1970, executed by defendant No. 1 in favour of defendant No. 2 and sale deed dated 19.9.2005, executed by defendant No. 2 in favour of defendant No. 3.

The lower Court has held that the plaintiff merely claims possessory rights on the basis of agreement of sale from Kulwant Singh (defendant No. 4). Defendant No. 4 has not challenged the said sale deeds. The plaintiff could file the suit for specific performance of the agreement of sale, but mere agreement to sell does not confer the title. Therefore, the suit was dismissed by the lower Court. The findings were affirmed in appeal. These are findings of facts. There is nothing illegal in the finding that the agreement of sale does not confer any title. Defendant No. 4, who according to the plaintiff is the original owner, has not challenged the sale deeds and he was merely made proforma defendant. There is no ground to interfere in the concurrent findings recorded by two Courts below. The present regular second appeal is accordingly dismissed.

(KULDIP SINGH)
JUDGE

1.12.2015
sjks