

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 4201-C of 2015 in/and
RSA No. 1506 of 2015 (O/M)
Date of decision : 17.12.2015

Sat Pal

..... Appellant

Versus

Rekha Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karan 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 ?

-. -

-. -

KULDIP SINGH, J. (ORAL)

CM No. 4201-C of 2015

This is an application for condonation of delay of 24 days in refiling the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of applicant-appellant, the delay of 24 days in refiling the present regular second appeal is condoned.

Application is accordingly disposed of.

Main case

Impugned in the present regular second appeal is the judgment and decree dated 6.8.2014, passed by the District Judge, Kaithal, affirming the judgment and decree dated 24.12.2012,

RSA No. 1506 of 2015 (O/M)

-2-

passed by the learned Additional Civil Judge (Senior Division), Kaithal, whereby the suit of the plaintiff (appellant herein) for declaration and permanent injunction as well as the counter claim of defendant (respondent herein), was dismissed.

The plaintiff/appellant had sought the declaration to the effect that the order dated 7.10.2008, passed by the Registrar, Kaithal, ordering the registration of sale deed dated 29.12.2006, in favour of defendant on or before 18.11.2008, is illegal, null and void and not binding on the plaintiff. The permanent injunction was also sought for restraining the defendant from executing the said order.

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

It comes out that sale deed dated 29.12.2006, regarding land measuring 3 kanals, was executed by plaintiff/appellant in favour of defendant/respondent. At the time of registration, the registration was refused on the ground that the executant denies the execution. The defendant/respondent therefore, filed an application under Section 73 of the Registration Act, 1860, before the Registrar, Kaithal, who held an inquiry and gave opportunity to both the parties to lead the evidence and thereafter held that the sale deed was executed by the plaintiff/appellant and, therefore, ordered its registration. Both the Courts below held that the sale deed was executed by the plaintiff/appellant and that the impugned order was

RSA No. 1506 of 2015 (O/M)

passed after giving opportunity to both the parties and is not illegal.

The findings of facts have been recorded by both the Courts below.

No substantial question of law arises in the present regular second appeal. Hence, the present regular second appeal is dismissed.

(KULDIP SINGH)
JUDGE

17.12.2015
sjks