

120.

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

Regular Second Appeal No.1794 of 2015 (O&M)

Date of decision:02.11.2015

Puran Ram and another

... Appellants

versus

Jasbir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. K.B.S. Mann, Advocate,
for the appellants.

K.Kannan, J. (Oral)

CM No.4829-C of 2015

For the reasons stated in the application, delay of 172 days in refiling the appeal is condoned.

Application stands disposed of.

Regular Second Appeal No.1794 of 2015 (O&M)

The defendant who resists the suit for recovery of possession on a plea that the plaintiff had himself sold the property by an affidavit and the defendant has purchased the property from such original purchaser in the year 2001. There can be no transfer of right in the property by an affidavit nor can a sale be effective through an unregistered instrument. The admitted owner of the property is entitled to recover possession on title unless the

defendant is able to show better title. If his reliance was on an unregistered document, that cannot fend off an action for recovery of possession unless the possession was shown to have become adverse. The courts below have correctly observed that the unregistered decree holder/purchaser will obtain no right to the property to resist an action for recovery. I find no error for adjudication in second appeal. Second appeal is without merit and it is dismissed.

(K.KANNAN)
JUDGE

02.11.2015
sanjeev