

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

RSA No.359 of 2015 (O&M)
Date of decision: 02.02.2015

Tek Singh Vs. ... Appellant

Sito Kaur and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A.S.Cheema, Advocate
for the appellant.

AMIT RAWAL J. (ORAL)

C.M.No.1003-C-2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 57 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.359 of 2015 (O&M)

Appellant/defendant No.1 is in regular second appeal against the judgments and decrees of the Courts below whereby the suit of the plaintiff/respondent for permanent injunction in respect of land measuring 5 marlas comprised in khasra No.539/14(0-5) situated in village Kulrian-II, Tehsil Budhlada, District Mansa, has been decreed and the plaintiff along with her children have been held as owners in possession and further held that defendants have no

right much less restrained from dispossessing her illegally and forcefully or any kind of interference.

Learned counsel for the appellant/defendant No.1 *inter alia* contends that both the Courts below have committed illegality and perversity in decreeing the suit of the respondents as the respondent/plaintiff failed to prove the possession over the suit land. He further submits that there was no replication filed to the specific pleadings in the written statement that Godhu Singh had sold his land to Nathu Singh and Nathu Singh through his widow sold it to Gora Lal and Gora Lal sold it to the present appellant.

I am afraid of the aforementioned submission made by learned counsel for the appellant is devoid of the merit.

Respondent-plaintiff has proved on record *jamabandi* (Ex.P1) and mutation (Ex.P2) to show that after the death of Bhag Singh property in dispute devolved upon the respondent/plaintiff who is none else but the widow of Godhu Singh. Appellant/defendant No.1 contended that Godhu Singh had executed sale deed in favour of Nathu Singh through writing.

It is settled proposition of law that the sale beyond ₹ 100/- has to be registered under the provisions of Sections 17 and 49 of the Indian Registration Act, 1908. Once Nathu Singh had not acquired any title or right by way of alleged writing on the basis of which Godhu Singh cannot be said to have any right or title over the property and remedy for the appellant, if any, lies elsewhere.

Both the Courts below have rendered a finding of fact and law whereby the defendants have been restrained from dispossessing the plaintiff/respondent forcibly. No fault can be found with the findings of the Courts below.

No substantial question of law arises for adjudication of the present appeal.

Accordingly, the present appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 02, 2015
savita