

**C.M. NO.10665 C OF 2014 &
R.S.A. NO.4598 OF 2014**

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

DATE OF DECISION: AUGUST 20, 2015

Surender

.....Appellant

VERSUS

Ishwar Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Sandeep Singh, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

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For the reasons mentioned in the application, which are supported by an affidavit of the appellant, delay of 35 days in refiling the appeal stands condoned.

Application stands allowed.

R.S.A. No.4598 of 2014

Present is an appeal against the concurrent findings recorded by the Courts below, whereby the suit filed by deceased Chhoto Devi, respondent-plaintiff, for declaration to the effect that she was owner in possession of the suit land fully detailed in Para 1 of the plaint and the corresponding entries in the revenue record existing in the name of Jai

Singh (predecessor-in-interest of the appellant-defendant) are illegal, null and void. Even the appeal preferred by appellant-defendant against the judgement and decree dated 20.12.2011 has been dismissed vide order dated 11.02.2013, against which the present appeal has been filed.

It is the contention of counsel for the appellant that the respondent-plaintiffs, who are legal heirs of plaintiff-Chhoto Devi, have not been able to prove the execution of the sale deed dated 13.01.1983. His further contention is that assuming that the sale deed would have been executed, there was nothing which stopped deceased Chhoto Devi from getting the mutation entered in this regard. He, therefore, contends that the sale deed is illegal, void and obtained as a result of fraud. He further contends that despite there being a sale deed dated 13.01.1983, the entries continued in the name of Jai Singh, which fact shows that actually there was no sale deed executed by Jai Singh and now filing of the suit for declaration at this belated stage in the year 2008 speaks for itself about the validity of the said sale deed. He, thus, contends that the judgements and decrees passed by the Courts below deserve to be set-aside and the present appeal is liable to be allowed.

The contentions, as raised by counsel for the appellant, cannot be accepted in the light of specific and clear findings recorded by the courts below on the basis of evidence, which establishes that in fact sale deed dated 13.01.1983 was duly executed by Jai Singh whereby 28 kanals and 11 marlas of land was sold to Smt.Chhoto Devi, respondent-plaintiff. Assertion as made with regard to the mutation being not got sanctioned by the respondent-plaintiff and continuation thereof in the name of Jai Singh, which also has been duly considered and findings were rightly recorded that

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mutation does not confer any right or title. The findings, as have been recorded by the Courts below, do not call for any interference, especially in the light of the fact that the sale deed dated 13.01.1983 was a registered sale deed, which fact has been duly proved.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

**August 20, 2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**