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

**RSA-3783-2009 (O&M)
Date of decision : 16.12.2016**

Jot Ram (deceased through LRs) and others

... Appellants

Versus

Hazura Singh (deceased through LRs) and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. H.S. Cheema, Advocate
for appellant No.1.

Mr. R.K. Girdhar, Advocate
for the LRs of respondent No.1.

AMIT RAWAL, J. (ORAL)

The appellant(s)-defendant No.8, who is a subsequent vendee having acquired the title and interest in the property by virtue of three sale deeds dated 04.04.1986, 14.10.1986 and 10.04.1992 in respect of land measuring 85 kanals 12 marals sold by Banta Singh son of Jagtar Singh, is aggrieved of the judgment and decree of the lower Appellate Court, whereby the suit of the respondent(s)-plaintiff(s) has been decreed, in essence, the judgment and decree of the trial Court has been set aside.

This case had a checkered history as there had already been an litigation upto this Court way back in the year 1979, whereby the suit filed by the plaintiff along with her sister, had been declared the owner in respect of land measuring 254 kanals 9 marals. It had come on record that Banta Singh along with the others murdered Jaggar Singh, thus, was disentitled to

inherit the property as per the provisions of Section 25 of the Hindu Succession Act. Resultantly, the mutation regarding the estate of Jaggar Singh devolved upon his sisters, namely, Birro widow of Bhura Singh and Parsanni widow of Kishna.

The present suit is being filed in the year 2001 seeking possession in respect of the property from the person to whom Banta Singh had passed on the title by virtue of the sale deeds, aforementioned, though according to the judgment and decree, he was not entitled. Out of few of the purchasers, only the LRs of one purchaser, namely, Jot Ram, are in this present appeal, in essence, the other purchasers have not approached this Court despite the judgment and decree against them.

Mr. H.S. Cheema, learned counsel appearing on behalf of the LRs of Jot Ram informs that the reason of not approaching is that they have already entered into a compromise.

During the course of the hearing of the present appeal, the matter was settled before the Mediation and Conciliation Centre of this Court and as per the report of the Mediator, the LRs of respondent No.1/plaintiff volunteered to give a land measuring 16 kanals i.e. 2 acres, but the appellant(s)-defendant(s) have yet not agreed to the same.

On going through the judgment and decree of the Courts below and as well as the previous order dated 17.09.1979 passed in the appeal bearing **RSA No.868 of 1968**, the respondent(s)-plaintiff(s) has already been held the owner. The present suit is nothing, but a claim of seeking possession. I am of the view that the LRs of Jot Ram-defendant No.8 had not been fair and honest as the predecessors-in-interest could not have acquired the right and title in the property in view of the fact that the

respondent(s)-plaintiff(s) had already been held to be owner, in essence, as the findings had already come against Banta Singh.

In view of the concession given by the LR's of respondent(s)-plaintiff(s), I deem it appropriate to modify the judgment and decree dated 12.03.2009 to the extent that it shall be construed to only land 16 kanals i.e. 2 acres, in essence, all the sale deeds having total areas shall be valid only in respect of land measuring 16 kanals i.e. 2 acres.

With the aforementioned observations, the judgment and decree of the lower Appellate Court is modified to the aforesaid extent and accordingly, the appeal stands disposed of.

Decree sheet is ordered to be drawn.

16.12.2016
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No