

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

R.S.A. No.1237 of 2016 (O&M)

Date of decision: 22.03.2016

Jatinder Gupta

..Appellant

Versus

Meena Devi

..Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R. S. Randhawa, Advocate
for the appellant.

Jitendra Chauhan, J.

This regular second appeal is directed against the judgment and decree dated 02.12.2015, passed by the learned Additional District Judge, Ludhiana, (for short, the 'first Appellate Court') whereby, the appeal filed by the appellant, against the judgment and decree dated 19.11.2014, passed by the learned Civil Judge, Jr. Divn., Ludhiana, (for short, the 'trial Court'), has been dismissed.

It is contended that the property in question was bought after selling the ancestral property of the appellant's father, thus the appellant had inherited the share in the said property. The learned Courts below have erroneously ignored the fact that the amount spent on buying the house in question was earned through the shop which was admittedly run and owned by the appellant and from the sale proceeds of the ancestral

property. The learned counsel refers to Ex.D-1, the power of attorney given by the respondent to the appellant to manage the said property and contends that the property in question was joint in nature and there was no relationship of licensor and licensee between the parties.

I have heard the learned counsel for the appellant and carefully perused the entire record on file.

The case of the appellant is that the respondent is not the exclusive owner of the property in dispute. The appellant is also the co-owner of the suit property as it was purchased after selling the ancestral property. He further claimed that he also contributed towards the consideration duly made for purchase of the said property. However, as per sale deed Ex.P2, the respondent is shown to be the exclusive owner of the property in dispute and except the bald statement of the appellant he has not lead any cogent/documentary evidence to prove that he is co-owner of the said property and had also paid the sale consideration. Therefore, it is duly proved that the respondent is the exclusive owner of the property in dispute. The appellant is against the sale deed Ex.P2 but till date he has not assailed the same. Further, as per Ex.D1, the General Power of Attorney, the respondent has only given the rights qua the maintenance and up-keep of the property in question and has not transferred the ownership rights in favour of the appellant. Hence, being the licensor and owner of the property in question, the respondent has full rights over the property in dispute. Thus, the learned Courts below have rightly passed the impugned judgments and decrees.

On consideration, this Court finds that the contentions only relate to the appreciation of evidence. No evidence is shown to have been ignored from consideration, nor there is any misreading of evidence. These are pure findings of fact. No question of law much less substantial question of law arises in the present appeal. Hence, no interference is called for.

Dismissed in limine.

22.03.2016

ashok

(JITENDRA CHAUHAN)
JUDGE