

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

RSA No.1669 of 2016 (O&M)

Date of decision:25.07.2016

Amrik Kaur

... Appellant

Vs.

Parhlad and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Karan Gupta, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.4586-C-2016

For the reasons state in the application, duly supported by an affidavit, delay of 145 days in filing the appeal, is condoned.

C.M. stands disposed of.

RSA No.1669 of 2016 (O&M)

The appellant-plaintiff is aggrieved of the judgments and decrees rendered by both the Courts below, whereby, claim in suit for possession regarding land measuring 5 marlas being 5/1762 share out of total land measuring 88 kanals 2 marlas alleged to have been purchased, vide sale deed dated 26.4.2004, has been declined.

Mr. Karan Gupta, learned counsel appearing on behalf of the

appellant-plaintiff submits that vide sale deed, aforementioned, the appellant had purchased the land measuring 8 kanals. However, at the spot, the possession given was only for 7 kanals 15 marlas. Accordingly, suit for possession of land aforementioned, was filed but the Court below declined the relief on the ground that Savitri Devi vendor had the ownership of the land measuring 7 kanals 15 marlas and thus, urges, this Court that there is illegality and perversity in the findings rendered by both the Courts below and in declining the relief as sought for and urges this Court to formulate the substantial questions of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that there is no merit in the appeal, for, Savitri Devi, vendor of the appellant had already transferred her share long back vide sale deed of 2001, much prior to the sale deed in favour of defendant No.1 Parhlad and other persons. She was not owner of 8 kanals of land. In fact, appellant has been cheated at the instance of Savitri Devi and the remedy, if any, was not for possession but to claim damages. It is settled law that if a person is not owner of the property, he cannot pass on the title of the same.

In view of the aforementioned observations, in my view, the judgments and decrees rendered by both the Courts below do not warrant any interference as the same are based upon the appreciation of oral and documentary evidence.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below. No substantial question of law

arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

July 25, 2016

savita

Wheather speaking/reasoned

Yes/No

Whether Reportable

Yes/No