

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No.4260 of 2015 (O&M)
Date of decision:16.02.2016

Gurjant Singh and another

... Appellants

Vs.

Prem Nath

... Respondent

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. S.K.Jain, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.10287-C of 2015

Deficiency of the Court fee, has been made good.

C.M. stands disposed of.

C.M.No.10288-C of 2015

For the reasons stated in the application, duly supported by an affidavit, delay of 95 days in re-filing the appeal is condoned.

C.M. stands disposed of.

RSA No.4260 of 2015 (O&M)

The appellant-plaintiffs are aggrieved of the concurrent findings of facts and law, whereby, suit challenging the sale deed

dated 20.05.2003 allegedly executed by them, to declare null and void, has been dismissed.

Mr. S.K.Jain, learned counsel appearing on behalf of the appellant-plaintiffs submits that plaintiffs were taken to the office of Sub Registrar under the belief that they had to identify/stand as witnesses in respect of some mortgage deed but later on realized that it is their own land, measuring 15 kanals, has been sold in favour of the respondent-defendant. It is in these circumstances, the suit, aforementioned was filed. These facts have totally been ignored by both the Courts below. He further submits that sale deed does not bear the signatures of one of the vendors, therefore, is not a concluded contract, much less, conforms to provisions of Section 54 of the Transfer of Property Act.

I have heard learned counsel for the appellant-plaintiffs and appraised the impugned judgments and decrees of the Courts below and of the view that appeal sans merit, for the reasons that during the period of two years, the appellant-plaintiffs have not taken any criminal action. The suit had been filed on 17.05.2005, whereas, sale deed is of 20.05.2003. Both the Courts below have arrived at findings that sale deed had actually been executed in the presence of the attesting witnesses and duly registered before the Sub Registrar. The plaintiffs failed to examine any person from the office of the Sub Registrar, much less, Sub Registrar. In my view, even the ingredients of Order 6 and Rule 4 of the Code of Civil Procedure have not been

complied with. In the absence of any evidence in affirmative, both the Courts below have rendered the findings which are based upon the appreciation of oral and documentary evidence.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 16, 2016
savita