

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

RSA-713 of 2016 (O&M)

Date of decision: 28.03.2016

Jaspal Singh and others

...Appellants

Versus

Mukhtiar Singh thr. LRs and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Om Pal Sharma, Advocate
for the appellants.

Jitendra Chauhan, J. (Oral)

The suit for decree for declaration filed by the plaintiff/respondent was decreed by the trial Court, vide judgment and decree dated 13.01.2015.

2. Aggrieved against the findings of trial Court, the defendants/appellants filed an appeal which was dismissed by the learned 1st Appellate Court, vide judgment and decree dated 08.09.2015.

3. The 1st Appellate Court affirmed all the findings recorded by the trial Court after discussing and evaluating the

oral as well as documentary evidence on record, hence, the instant appeal has been filed by the defendants/appellants.

4. It is contended by the learned counsel for the appellants that the plaintiff had never executed the agreement to sell dated 10.05.1980 qua plot measuring 312 sq. yards. The plaintiffs/respondents had failed to prove their ownership over the land in dispute, however, both the Courts below have failed to consider the above aspect of the matter. He further submits that plaintiffs/respondents had failed to bring on record any document of title or ownership over the disputed property. The original owner of the property, Smt. Bhagwant Kaur had not been arrayed as a party before the Courts below.

5. Heard, the learned counsel for the appellant.

6. The owner of the land in question Mukhtiar Singh, respondent No.1, allegedly entered into an agreement to sell dated 10.05.1980 with one Daler Singh, respondent No.2. However, the agreement to sell was never executed. On the basis of alleged agreement to sell, the appellants-defendants purchased the property in dispute. The original agreement was never put to the plaintiffs. The plaintiffs also got registered an FIR against the defendants. It is claimed that the appellants are in continuous

possession of the property in dispute. During the trial, the defendant No.1, Daler Singh admitted that the disputed property was transferred to him by the plaintiffs, however, the ownership was never conferred upon him. The case of the appellants is that they purchased the property from said Daler Singh, who never passed on the title held by him. Daler Singh is not the owner of the property. The appellant/defendant No.1 and appellant/defendant No.4 had admitted the title and possession of the plaintiffs over the disputed property. The appellants may have a case against Daler Singh, however, keeping in view the fact that said Daler Singh was not the owner of the property, no interference is called for as the property remains in the name of Mukhtiar Singh or his legal heirs. An agreement does not confer any title.

7. Thus, in view of above facts and circumstances of the case, this Court is of the opinion that both the Courts below have rightly dealt with the issues in the right perspective. There are concurrent findings recorded by the Courts below on the facts of the case, which have been found to be based on proper appreciation of the pleadings and the evidence produced by the parties. Therefore, this Court finds that the contentions have no

merit as they only relate to the appreciation of evidence. No evidence is shown to have been ignored from consideration, nor there is any misreading of evidence.

8. These are pure findings of fact. No question of law, much less substantial question of law arises in the present appeal.

Dismissed.

28.03.2016

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(JITENDRA CHAUHAN)
JUDGE