

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
RSA No. 4853 of 2014(O&M)
Date of decision : January 27, 2016

Bawa Singh

..... Appellant

Versus

Jaspal Singh

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S. S. Sodhi, Advocate
for the appellant.

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

Amit Rawal, J (oral).

The appellant-defendant is in Regular Second Appeal against the concurrent finding of fact whereby both the courts below have decreed the suit, filed at the instance of the respondent-plaintiff.

Mr. S. S. Sodhi, learned counsel for the appellant submits that the agreement Ex. D-1 and D-4 have duly been proved, much less the exchange deed referred to in the written statement was entered into after execution of the agreement, both the courts below have thus, committed illegality and perversity in passing the impugned order.

He further submits that the land is situated within the Lal Lakir, therefore, no sale deed was effected. It is only the agreement which is entered into between the parties and after execution of the same the possession was, also handed over, thus, prays that substantial question of law arise for determination by this

Court.

I have heard learned counsel for the appellant and appraised the paper book.

The appellant-defendant has not sought specific performance of the aforementioned agreement, much less the agreement has not been proved, though witnesses of the exchange deed have been proved.

In the absence of proving of the agreement, the possession of the defendant, if any, could not have been protected and even there is no prayer by way of counter claim. As per the revenue record the plaintiff has been shown owner in possession and on the basis of the aforementioned documentary evidence, the court below has granted the relief as sought for, in the suit.

Keeping in view the aforementioned facts, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

**(AMIT RAWAL)
JUDGE**

**January 27, 2016
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