

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

112

Regular Second Appeal No.6405 of 2014 (O&M)
Date of Decision: January 12, 2016

Raghubir Singh

...Appellant

Versus

Sant Maan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Mukesh Yadav, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM No.15301-C of 2014

Prayer in this application is for condonation of delay of 75 days
in re-filing the appeal.

It has been stated that the appeal was filed within time and
when the Registry raised certain objections and returned the same, the Clerk
of the counsel inadvertently kept the file in some other brief, which was
later on found on 12.09.2014 and after removing the objections, appeal was
filed which has resulted in the delay of 75 days in re-filing the appeal. The
application is supported by the affidavit of the counsel.

In view of the above, the present application is allowed.

Delay of 75 days in re-filing the appeal stands condoned.

RSA No.6405 of 2014

Challenge in this appeal is to the judgment and decree dated
23.12.2009 passed by the Civil Judge (Junior Division), Hisar, whereby the
suit filed by the respondent-plaintiff for declaration to the effect that he is
owner of the vacant Plot No.81 measuring 7 feet x 40 feet, stands decreed,
although the claim for rent from the appellant-defendant has been declined,

appeal against which preferred by the appellant-defendant claiming himself to be the owner of the said plot/land has been declined and the appeal dismissed by the Additional District Judge, Hisar, on 11.03.2014.

2. It is the contention of learned counsel for the appellant that the findings recorded by the Courts below are not based on proper appreciation of the pleadings and the evidence brought on record. He states that there was an oral agreement entered into between the parties and on the basis of the said agreement, the disputed plot was sold to the appellant-defendant by the respondent-plaintiff on payment of ₹22,000/- as sale consideration. He contends that once an oral agreement has been entered into between the parties and the sale consideration has also been received, he became the owner of the property in question. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellant and on perusal of the impugned judgments, find no illegality in the same.

4. The evidence which has been brought on record, even if taken to be as such, it is not in dispute that the sale consideration as per the oral agreement was ₹22,000/- and, therefore, the same was required to be registered as per the provisions of the Indian Registration Act, 1908, since he asserts himself to be the owner of an immovable property which is of the value of more than ₹100/-. Since there is no document to that effect, the assertion of the appellant-defendant, has rightly been rejected by the Courts below.

5. Both the Courts below have returned concurrent findings and

the same being in consonance with the pleadings and the evidence brought on record, do not call for any interference by this Court as there is no perversity or illegality in the same.

6. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

January 12, 2016

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**