

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

RSA No.617 of 2011
Date of decision: 25.10.2017

Ram Kumar through LRs

..... Appellant

Versus

Prem and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ashwani Gaur, Advocate
for the appellant.

Mr. Mrigank Sharma, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the judgment passed by learned First Appellate Court.

Plaintiff filed a suit for permanent injunction restraining the defendants from interfering into his peaceful possession.

It is not in dispute that originally the property was owned by Sh. Sube Singh. He had left behind three daughters. It is alleged that the plaintiff purchased the entire house from two daughters. Learned First Appellate Court has held that the plaintiff is only entitled to 2/3rd share because defendant No.1 is a purchaser of remaining 1/3rd share. Plaintiff has purchased the property by sale deed dated 14.10.2002 whereas defendant No.1 has purchased 40 sq. yards area from Krishna-defendant No.2, the third daughter, vide sale deed dated 08.01.2003.

There is neither any testamentary document in favour of the

vendors of the plaintiff nor there is any deed of partition making vendors of the plaintiff as owners.

Taking into consideration the aforesaid fact, learned First Appellate Court has rightly decreed the suit filed by the plaintiff to the extent of 2/3rd share. Such finding arrived at by the Court is not shown to be either erroneous or perverse.

For the reasons recorded above, I do not find any good ground to interfere with the judgment passed by the First Appellate Court.

Appeal is dismissed.

25.10.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No