

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

RSA No.2682 of 2012

Date of decision : 28.08.2017

Indraj and others

...Appellants

Versus

Ram Singh (since deceased) through his LR's and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate for the appellants.

Mr. J.V. Yadav, Advocate
for LR's of respondent Nos.1(i) & (ii) and 2 and 3.

ANIL KSHETARPAL, J. (ORAL)

Defendant Nos.4 to 6, 8 to 14 are in Regular Second Appeal against the judgment passed by the District Judge, Narnaul dated 29.02.2012.

The plaintiffs had filed a suit for possession by way of partition.

The defendant Nos.4 to 6, 8 to 14 had claimed their right in the property on the basis of oral sale which was followed by rapat roznamcha entered into by the Local Patwari.

The learned First Appellate Court after appreciating the evidence available on the file held that the oral sale is claimed from Khem Chand who died on 16.11.1958 whereas khasra number was carved out in

the year 1962-63.

The learned First Appellate Court, however, ordered that the defendant Nos.4 to 6, 8 to 14 at the most can retain the share of Jai Narayan who is stated to have made a statement at the time of entering into the rapat roznamcha. With respect to the remaining land, the Court has ordered that the preliminary decree be prepared.

Learned counsel for the appellants has vehemently argued that once there was oral sale followed by a rapat roznamcha, therefore, defendant Nos.4 to 6, 8 to 14-appellants would be the owner of the property.

I have considered the submission. The immovable property worth more than ₹100/- can only be sold through a registered document.

In view of this matter, learned First Appellate Court has already observed that the appellants would be able to continue in possession with respect to the share of Jai Narayan.

No ground for interference is made out.

Regular Second Appeal is dismissed.

28.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No