

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Regular Second Appeal No.4193 of 2016  
Date of Order: 02.08.2017

Pardeep

...Appellant

Versus

Mahesh Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present:** Mr. Vikram Jeet Singh, Advocate, for  
Mr. Aman Pal, Advocate,  
for the appellant.

**ANIL KSHETARPAL, JUDGE (Oral)**

Defendant is in regular second appeal against concurrent findings of fact arrived at by the courts below.

Plaintiff Mahesh Sharma filed a suit for possession with respect to 108.3 sq. yds. plot fully described in the plaint. Plaintiff had claimed that he had purchased the property from Smt. Santosh wife of Chander Mohan, vide registered sale deed dated 11.04.2013. He had constructed two rooms, one kitchen, bathroom and a toilet. When the plaintiff was out of town, the defendant forcibly took possession.

Defendant appeared and contested the claim of the plaintiff. It was pleaded that Santosh had no right, titled or interest in the property. It was asserted that in fact the property was purchased by Sh. Chander Mohan in the name of Santosh, although the real owner was Chander Mohan.

Learned trial Court after appreciating evidence available on the file,

decreed the suit filed by the plaintiff.

Defendant-appellant filed first appeal. The appeal was also ordered to be dismissed after re-appreciating the evidence available on the record.

Learned counsel for the appellant has submitted that it is doubtful whether Mahesh Sharma paid any sale consideration to Smt. Santosh. He further submits that if the evidence is closely scrutinized, the payment of sale deed is not proved. Learned counsel for the appellant has further submitted that the appellant had constructed the house on the aforesaid property and has been residing there for the last 13-14 years.

I have carefully considered the arguments of learned counsel for the appellant. However, I am unable to agree.

Smt. Santosh had sold the property in question to Mahesh Sharma through registered sale deed dated 11.04.2013. In the sale deed, it is specifically recorded that consideration had been paid to the seller. The sale deed is a registered document. The sale deed has a presumption of truth.

Further, Pardeep-the appellant has no locus-standi to challenge the sale deed on the ground that the sale was without consideration. It is a contract between Smt. Santosh and Mahesh Sharma. Smt. Santosh is not even asserting that the sale was without consideration. Pardeep-the appellant had no locus standi to challenge the sale deed on the ground that the sale is without consideration.

I have carefully gone through the judgments passed by the Courts below. I do not find any finding arrived at by the Courts below in any way requires interference.

Counsel for the appellant has further come up with the argument that it is the defendant-appellant who has constructed the house and has been residing

for the last 13-14 years.

Both the Courts on appreciation of evidence have recorded finding that building was in fact constructed by the plaintiff. In any case, there is no unimpeachable evidence to prove that the defendant had constructed the house.

Taking into consideration the judgments passed by the Courts below and the reasons assigned above, I do not find any good ground to interfere in the regular second appeal.

Therefore, the regular second appeal is ordered to be dismissed.

**August 02, 2017**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**