

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.3368 of 2015 (O&M)

Date of decision: 01.12.2017

Daya Singh (deceased) represented through
his LRs Suresh Kumar and others

..... Appellants

Versus

Multan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjiv Gupta, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff had filed a suit for declaration challenging the sale deed dated 27.11.2008 executed in favour of defendant No.2. Both the Courts below after appreciating the evidence available on the file dismissed the suit filed by the plaintiff.

Learned counsel for the appellant has submitted that the payment of consideration under the sale deed has not been proved. He has submitted that no payment was made before the Sub-Registrar. Learned counsel for the appellant has produced before me a photocopy of the sale deed dated 27.11.2008. It is clearly recorded in the sale deed that the entire payment of sale consideration has already been received by the plaintiff before execution of the sale deed.

Learned counsel for the appellant has further submitted that the agreement to sell was cancelled on 23.06.2009 and therefore, the agreement stood cancelled. In the considered opinion of this Court, a sale deed which is duly registered cannot be ignored only on the ground that the agreement to sell with the husband of defendant No.2 was later on cancelled. In the sale deed, there is no reference to the agreement to sell dated 05.11.1998. Therefore, the sale deed in favour of defendant No.2 cannot be said to be pursuant to the aforesaid agreement to sell in favour of defendant No.1.

Taking into consideration the finding of fact arrived at by the Courts below, this Court does not find any good ground to interfere with the orders passed by the Courts below.

Appeal is dismissed.

01.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No