

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 3069 of 2017(O&M)
Date of Decision: 25.08.2017

Kuldeep Singh

...Appellant

Vs.

Gurnam Kaur and another

...Respondents

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manish Kumar Singla, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

The defendant is in second appeal with both the Courts below holding against him in a suit for declaration and possession of the property described in the plaint.

The appellant was not party to the lease deed executed between Gurcharan Singh and Ram Pal Singh. The lease deed was not registered which documents is compulsorily registrable under Section 49-A of the Registration Act. Therefore, right, title or interest does not pass either to Ram Pal Singh or to appellant Kuldeep Singh and the rights of Gurnam Kaur wife of late Gurcharan Singh/plaintiff cannot be destroyed over the property by this scheme.

Gurnam Kaur has succeeded in two Courts to gain possession of the suit property left behind by Gurcharan Singh, her late husband. The rights of Kuldeep Singh are far too remote if not inexistent to activate under the Transfer of Property Act, 1882. Claim of defendant- Kuldeep Singh's possession over the suit property was refuted as illegal as he had no

document of title to show how he took lawful possession of the suit property. The existence of the agreement between Ram Pal Singh and Kuldeep Singh may have been proved but it has not been legal proved by evidence and neither does he have a demonstrable right to suit property or any ownership rights over it. In absence of title, Gurnam Kaur's title remains by far the best. There is no error of fact or law in the judgments of the Courts below which are affirmed.

No substantial question of law arises within the meaning of Section 100 of the CPC or Section 41 of the Punjab Courts Act, 1918. Accordingly, the appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

25.08.2017
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<i>Whether speaking/reasoned</i>	<i>Yes.</i>
<i>Whether reportable</i>	<i>No</i>