

Civil Revision No.2415 of 2018

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

Civil Revision No.2415 of 2018
Date of decision: 29.05.2018

Surjit Singh

.....Petitioner

versus

Harjinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Saurabh Arora, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Article 227 of the Constitution of India challenge has been laid to order dated 07.03.2018 (Annexure P-1) of the trial Court, Amritsar, whereby application of the petitioner for de-exhibition of receipt dated 03.08.2004 (Annexure P-9) produced by the respondents-defendant, has been dismissed.

Learned counsel *inter alia* contends that the receipt aforesaid is a forged and fictitious document, created falsely by the respondents-defendant in connivance with each other with *mala fide* and dis-honest intention to get the suit of the petitioner dismissed by hook or crook. The trial Court, while passing the impugned order, failed to appreciate that receipt aforesaid is a result of inter se secret arrangement amongst the respondents-defendant, which does not confer any title over respondents-defendant No.3 in the absence of any registered sale deed, because value of the suit property in the said receipt is shown as ₹6.00 lakhs i.e. more than

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₹100/- and, thus, a sale deed was required to be executed and compulsorily registered by respondent-defendant No.1 in favour of respondent No.3. The trial Court also failed to appreciate that receipt (Annexure P-9) had no legal sanctity against the registered sale deed in favour of the petitioner. Therefore, the same was not liable to be exhibited.

The trial Court did not appreciate that in the registered sale deed there is specific recital of delivery of possession of the suit property to the petitioner, which also falsifies receipt (Annexure P-9), mentioning delivery of possession of the suit property to respondent-defendant No.2 by respondent-defendant No.1, because, once respondent-defendant No.1 had delivered possession of the suit property to respondent-defendant No.2 on the date, when the receipt in question was executed, in that eventuality, respondent-defendant No.1 was not in possession of the suit property after that day and the fact with regard to delivery of possession could not have been recited in the sale deed executed by him in favour of the petitioner. The trial Court if, was not agreeing with the contentions of learned counsel for the petitioner for de-exhibition of aforesaid receipt, in that eventuality, at least it ought to have observed that receipt dated 03.08.2004 (Annexure P-9) had no legal sanctity. The trial Court also failed to appreciate that receipt (Annexure P-9) was allegedly executed by respondent No.1 in favour of respondent No.2 and one Vipin Kumar, who had sold suit property to respondent No.3 without having any legal right, title or interest in the suit property.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this revision is disposed of, without disturbing the impugned order, with direction to the trial Court to permit the

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petitioner-plaintiff to raise all the above pleas, consider and deal with the same in speaking terms, while finally deciding the suit.

May 29, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No.