

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

442

RSA No.1680 of 1991 (O&M)

Date of decision: 14.02.2018

Thakar Singh

..... Appellant

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Manpreet Kaur, Advocate
for the appellant.

None for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below refusing to grant declaration to the plaintiff that he is owner in possession of the property.

As per the case set up by the plaintiff, he purchased the property in a public auction for a sum of Rs.4,000/-. He paid only Rs.1,000/-. There is no evidence that the remaining payment was ever paid. The plaintiff claims that it was for the defendant to inform about the confirmation of the sale only then remaining payment was to be made. On the other hand, it is the case of the State that the plaintiff did not pay as per the terms of auction and therefore, the property has already been disposed of.

Learned trial Court has held the plaintiff to be in possession and therefore, granted injunction against forcible dis-possession. However,

the relief of declaration was declined on the ground that the plaintiff has failed to produce any evidence on file that any conveyance deed was executed or the plaintiff had paid the remaining amount.

Learned counsel for the appellant has once again submitted that it was the defendant who was to inform the plaintiff about confirmation. However, the terms of the public auction have been produced on file to prove that intimation to be given by the defendant to the plaintiff.

In absence thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

14.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No