

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

**RSA No.2771 of 1999 (O&M)
Date of Order: 26.11.2018**

Jai Dutt and others

..Appellants

Versus

Rameshwar Dass

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Hooda, Advocate,
for the appellants.

Mr. B.R.Mahajan, Sr. Advocate, with
Mr. Amit Sharma, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

Plaintiffs-appellants are in the regular second appeal against the findings of fact arrived at by the learned first appellate court.

It is not disputed that in the State of Haryana, oral exchange of immovable property is permissible as relevant provisions of the Transfer of Property Act have not been extended in the area of State of Haryana. There is a first entry of exchange in the revenue record dating back to 1958 between Agya Ram and Gopi Ram, who were brothers. Agya Ram in exchange had given land comprised in khasra no.76, measuring 19 biswas. Whereas Gopi Ram in lieu thereof had given to Agya Ram land comprised in khasra no.323 and 324 measuring 18 biswas. Thereafter, there is further exchange between Agya Ram and Madan Gopal as Agya Ram gave land comprised in khasra no.323 measuring 9 biswas to Madan Gopal, whereas Madan Gopal gave in exchange land comprised in khasra no.105 to Agya

Ram. In the revenue record, in the possession as well as remarks column as also the column meant for rent, it was recorded that their possession is because of oral exchange. Plaintiffs are now setting up sale deed with respect to khasra no.105, having purchased the property from sons of Madan Gopal who had already given the property comprised in khasra no.105 to Agya Ram in the year 1961 in exchange. In the sale deed, it has been recorded that the possession is with Agya Ram and his sons. There is another sale deed of the same date executed by sons of Gopi Ram in favour of sons of Madan Gopal with respect to land comprised in khasra no.323. Once in 1958 and 1961, the factum of oral exchange has been incorporated in the revenue record and continuous thereafter, till the filing of the suit, the plaintiffs do not get any better title than what their vendors had.

Although, learned counsel appearing for the appellants made sincere attempt to persuade this court, however, could not draw attention of the court to any substantive error in appreciation of evidence or law.

Hence, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

November 26, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No