

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

RSA No. 2852 of 2010 (O&M)
Date of decision : March 20, 2018

Fajru and others

..... Appellants

v.

Smt. Akhtari and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sudhir Aggarwal, Advocate
for the appellants.

Mr. Amit Jain, Advocate
for respondent No.2.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit filed by the respondents. The case of the respondents was that they had purchased 24 kanals 10 marlas of land comprised in Khewat/Khatoni No.22/31, Rectangle No.32, Killa No.11(8-10), Rectangle No.33 and Killa No.6(8-0), 15(8-0), situated within the revenue estate of village Jajuka, Tehsil Nuh, District Gurgaon by registered sale deed dated 16.7.1981, and the subsequent revenue entries showing the plaintiffs as purchasers of the suit land out of 3/4th share are illegal. Both the Courts below decreed the suit.

Counsel for the appellants has argued that the decree passed is

vague in so far as it suggests that the respondents are the only owners of the

entire land, whereas actually both the Courts have found that just like the respondents who had purchased 24 kanals 10 marlas of land from one share holder, the appellants had purchased 45 kanals of land from another share holder vide sale deed dated 12.6.2000 and, therefore, prays that the decree should be clarified. Counsel for the respondents has also fairly accepted that there is some ambiguity in the decree.

In the circumstances, this appeal is disposed of with the clarification that the respondents are owners of 24 kanals 10 marlas of land as per the sale deed in their favour, and the appellants are owners of 45 kanals of land as per the sale deed in their favour.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 20, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No