

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

**RSA No.4599 of 2012 (O&M)
Date of Decision:08.08.2018**

Dharampal

...Appellant

Versus

Smt.Santosh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Tacoria, Advocate for the appellant.
Mr.Sumeet Sangwan, Advocate for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below.

The plaintiff and his brother purchased the land measuring 4 biswas of plot vide sale-deed dated 10.2.1984. However, it is the case of the plaintiff that the sale-deed was for 5 biswas and 9 biswansi and not for 4 biswas. Execution and registration of sale-deed for plot measuring 4 biswas is admitted and not disputed.

Both the courts have found that even mutation of the land sanctioned in favour of the plaintiff is with respect to 1/34th share which also comes as 4 biswas only. Both the courts have further noticed that the plaintiff is an educated person being employee of UCO Bank. Still further, a registered sale-deed as it exists only pertains to 4 biswas. In such circumstances, no declaration can be given in favour of the plaintiff that he is owner of 5 biswas and 9 biswansi, in absence of any document of title.

In view thereof, there is no ground to interfere with the

concurrent findings of fact arrived at by the courts below. Regular Second Appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

08.08.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No