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

RSA No.5425 of 2012

Date of Decision:13.11.2018

TAPAN KUMAR

.....Appellant

Vs

SAPAN KUMAR

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Vivek Suri, Advocate
for the petitioner.

Ms. Sarika Gupta, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

Defendant is in Regular Second Appeal against the
drawl of preliminary decree in a suit for separate possession.

Brief facts are that the plaintiff filed a suit for separate
possession in respect of house having specified dimensions
mentioned in the plaint. Defendant is real brother of the plaintiff,
who set up plea of title to the tune of 100% share in the house in
question on the basis of receipt dated 20.11.1996 executed by
the plaintiff in favour of the defendant.

Both the Courts below have appreciated the material on
record and it was held that the title *qua* immovable property can

only be passed over to the defendant by way of three recognized modes of alienation i.e. sale deed, gift deed or exchange/relinquishment deed. No alienation can be made by mere execution of receipt that too has been disputed by the plaintiff. Title of immovable property of the value of more than Rs.100 requires compulsory registration. As per material on record, the house in question was purchased by both the parties vide sale deed dated 04.02.1974 Ex.P-1 from original vendor namely Satya Devi in equal shares for a consideration of Rs.1500/-.

The aforesaid fact was admitted by the defendant in his cross-examination.

The plea of the appellant rested solely on the basis of receipt Ex.D-1 which has been discarded by the Courts below on the ground that the same was not sufficient to pass over the title of immovable property in the absence of any recognized mode of transfer.

In my considered opinion, the receipt has been rightly ignored by the Courts below. As per requirement of Section 54 of the Transfer of Property Act and Section 17 of the Indian Registration Act, the title of immovable property of value of more than Rs.100/- cannot be created or extinguished unless and until the same is done by way of written document.

In view of above, no law point worth cognizance is involved in the present appeal. This appeal is found to be devoid of merits and the same is dismissed as such.

November 13, 2018

(RAJ MOHAN SINGH)
JUDGE

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No