

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

RSA No.1766 of 2016 (O&M)

Date of decision : 24.09.2018

Roop Singh and another

...Appellants

Versus

Smt. Shanti Devi (deceased) through her LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Dinarpur, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while decreeing the suit filed by the plaintiffs for declaration with a consequential relief of permanent injunction.

The plaintiffs-respondents filed a suit claiming that they are owners in possession of 1/6th share each of the property out of total 32 kanals, on the basis of the sale deed dated 18.05.1984, executed by Dalip Singh who was father of defendant Nos.1 to 3 and grandfather of defendant Nos.4 and 5.

It was further pleaded that Dalip Singh had earlier mortgaged the property with one Sh. Darshan Lal, one of the plaintiff. It was pleaded that by mistake, entry was not made in the revenue record and, therefore, after the death of Dalip Singh, defendants got the mutation of the land

sanctioned in their favour on the basis of the Will.

The defendants contested the suit and pleaded that there was no sale deed executed by Dalip Singh and if there was any sale deed, the same was without any legal necessity.

Both the Courts below after appreciating the evidence have found that Dalip Singh had sold the property in favour of the plaintiffs as asserted by the plaintiffs in their suit. The Courts have further noticed that the defendants previously also filed a suit challenging the sale deed dated 18.05.1984 which was dismissed in default but no application for restoration of the same was filed. Still further, the First Appellate Court has found that the defendants had filed an application before the Collector for redemption of the mortgage, which was also dismissed.

Learned counsel for the appellants although, made a sincere attempt, however, could not point out any substantive error or perversity in the judgments passed by both the Courts below.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below .

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

24.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No