

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

RSA No.1789 of 2016 (O&M)

Date of decision : 09.05.2018

Balkar Singh and others

...Appellants

Versus

Charan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, 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 the Courts below.

The plaintiffs had filed a suit for declaration, permanent injunction and joint possession of land measuring 3 kanals and 5 marlas with the assertions that they had purchased the property from Mohinder Singh, predecessor-in-interest of the defendants by registered sale deed dated 23.02.1984 for a consideration of ₹6,000/-, out of total land measuring 15 kanals and 12 marlas. It was further pleaded in the partition suit, the plaintiffs were not allocated any share, although, they are owners of the property. In the written statement, the execution and registration of the sale deed was denied.

Learned trial Court after appreciating the evidence available on

the file recorded a findings of fact that the execution and registration of the sale deed dated 23.02.1984, has been proved.

With these observations, the plaintiffs were declared owners in possession of the land measuring 3 kanals and 5 marlas out of the joint khata which was previously held by Mohinder Singh (who had in the meantime died).

First appeal preferred by the defendants was also dismissed.

Learned counsel for the appellants has vehemently argued that the plaintiffs while filing the suit had mentioned that they are owners in possession of land measuring 3 kanals and 5 marlas, out of total land measuring 15 kanals and 12 marlas whereas actually the land was only 6 kanals and 3 marlas. Be that as it may, it is not in dispute that the sale deed was executed with respect to the land measuring 3 kanals and 5 marlas and Mohinder Singh was owner to that extent.

In view of the aforesaid, 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.

09.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No