

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

**RSA No.2250 of 2016 (O&M)
Date of Decision.14.11.2018**

Davinder Kumar and others

.....Appellants

Vs

Swaran Singh @ Sarwan Singh (now deceased) through LR's and
others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Meenu Salwan, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

The appellants-defendants No.15 to 19 had not been successful in defending the suit filed by the plaintiff claiming ownership as co-sharer in possession of land measuring 7 kanals 1 marlas out of total land measuring 23 kanals 2 marlas. It was alleged that the plaintiff was owner in possession of the land measuring 23 kanals 2 marlas, which was mortgaged to Dara Singh and Jasbir Singh to the extent of 2/3rd and 1/3rd share vide mortgage deed dated 20.12.1978. Later on, land measuring 15 kanals 11 marlas vide registered sale deed dated 08.06.1983 was sold to Gurmukh Singh and certain amount of mortgage was adjusted. However, an application for redemption was allowed and vide order dated 04.03.1992, land permitted to be redeemed. Dalbir Singh and Jasbir Singh, defendant No.1 and 2 filed civil suit bearing No.216 of 1992 by laying challenge to the redemption order, which was decided vide judgment and decree dated 09.12.1997. It was alleged that defendant Nos.1 and 2 had purchased land from the plaintiffs vide sale deed dated 03.05.1991. The factum of the aforesaid sale deed was denied

by the plaintiff to be a result of fraud and without consideration. The aforementioned sale deed was set aside vide judgment and decree dated 09.12.1997. The defendants derived the title in the property by virtue of sale deed dated 22.05.2001 executed by defendant No.1 and 2.

The trial Court decreed the suit by holding that the defendants did not make any reasonable enquiry for being not adopted the policy of “Buyer Beware.” Once defendants No.1 and 2 have not been found to be owner, as the sale deed dated 03.05.1991 has been set aside by virtue of judgment and decree dated 09.12.1997 where it was held that the sale deed of the year 1991 was forged and fabricated, the defendants cannot derive any better title.

As an upshot of my finding, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Court below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 14, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No