

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

RSA No. 3023 of 2016(O&M)

Date of decision: 23.10.2018

Hardip Singh and anotherAppellants

VERSUS

Dader Sahib Agriculturing Cooperative Society and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.S. Sidhu, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for possession of land measuring 17 marlas comprising khasra No.286 situated in village Dader Sahib, Tehsil and District Taran Taran, detailed in headnote of the plaint was dismissed by the trial Court vide judgment and decree dated 25.08.2014 and appeal preferred by unsuccessful plaintiffs/appellants did not find favour with Additional District Judge, Taran Taran.

The respondents/defendants have raised the plea that they are owners of suit property on the basis of registered sale deed dated 30.10.1972 executed by Charan Singh son of Buta Singh, father of plaintiffs.

The sole submission made by counsel for the plaintiffs/appellants is that as the sale deed was not given effect to in the revenue records, it is sufficient to show that no such sale deed dated

30.10.1972 was executed by their father Chanan Singh and in the sale deed, name of executant is mentioned as Charan Singh son of Buta Singh.

I have heard counsel for the appellants, perused the paper-book particularly the judgments impugned.

The mere fact that sale deed dated 30.10.1972 is not given effect to in the revenue records, by no stretch of imagination, sufficient to hold that no such sale deed was executed by predecessor in interest of the plaintiffs in favour of Dader Sahib Agriculturing Cooperative Society. The sale deed in question was deposited with the Punjab State Cooperative Bank as a security for loan obtained by the aforesaid Society and the said factum was proved by Harinder Singh Chawla DW-3, Assistant Manager of Punjab State Cooperative Bank. Despite the appellants having learnt about the sale deed, set up by defendant No.1, they have not challenged its validity till date. This silence on the part of appellants speaks volumes that they have no case to plead in order to challenge the sale deed executed as back as in October 1972. In this view of the matter, I do not find an error much less perversity in concurrent findings recorded by the Courts negating plea of the appellants with regard to their entitlement to recover possession of suit land from defendant No.1.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

OCTOBER 23, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no