

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

**RSA No.1695 of 2015 (O&M)
Date of Decision.16.05.2018**

Arjun Singh and another

.....Appellants

Vs

State of Haryana and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Virender Rana, Advocate
for the appellants.

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AMIT RAWAL J.(ORAL)

C.M. No.4646-C of 2015

For the reasons stated in the application, delay of 64 days
in filing the appeal is condoned.

Application is allowed.

RSA No.1695 of 2015

The appellants-plaintiffs are in regular second appeal against the judgment and decree rendered by the lower Appellate Court dated 31.07.2014 whereby the judgment and decree dated 20.03.2013 rendered by the trial Court decreeing the suit has been reversed, in essence, suit of the plaintiffs has been dismissed.

The appellants-plaintiffs instituted the suit for mandatory injunction directing the respondents-defendants to enter and sanction mutation in favour of the plaintiffs owing to purchase of the land as per vasika No.1424 dated 21.4.2005, which has been though decreed by the trial Court but declined by the lower Appellate Court. The appellants-plaintiffs submitted that they had purchased the property from Shish Ram and Lakhi Ram vide sale deed *ibid*. The plaintiffs

requested many times to defendants for sanction of mutation in favour of plaintiffs but not acceded to by the defendants, necessitating the plaintiffs to file the suit. Registered document carried presumption of truth and on the basis of aforementioned pleadings and evidence brought on record, the trial Court decreed the suit but the lower Appellate Court committed illegality and perversity in reversing the finding by drawing inference that the appellants-plaintiffs failed to prove title of Shish Ram and Lakhi Ram whereas the aforementioned sale deed has neither been challenged by Shish Ram and Lakhi Ram nor such defence was available with the State.

I have heard learned counsel for the appellants, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Rana. It is settled law that registered document would not confer title upon the party in case party is not able to prove ownership of the vendor. In the aforementioned case, the defendants categorically denied the fact that plaintiffs were owners of the suit property nor established that Shish Ram and Lakhi Ram were the owners. If at all, it was so, nothing prevented them to summon the record from the revenue court to establish the same. Even otherwise simpliciter suit for mandatory injunction was not maintainable in the absence of declaration qua ownership and challenge the order of cancellation of mutation. This is what is the import of the judgment and decree rendered by the lower Appellate Court.

No documentary evidence or legal submission has been made to bring the case with the realm of illegality and perversity to

enable this Court for forming a different opinion than the one already arrived at, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

May 16, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No