

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

RSA No.2445 of 2015 (O&M)

Date of decision : 26.09.2018

Bhupinder Kaur

...Appellant

Versus

Sadh Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.D. Rana, Advocate for the appellant.

Mr. C.S. Bagri, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below while dismissing the suit for grant of decree of permanent injunction restraining the defendants from interfering in her peaceful possession.

The plaintiff claims that she purchased the immovable property for a sum of ₹80,000/- by way of agreement to sell dated 12.07.2006. The plaintiff pleaded that she has constructed a house on the aforesaid property and is living there.

In the written statement, it was pleaded that the property in dispute was never owned by Manjit Kaur.

Both the Courts below after appreciating the evidence, have found that the house of the plaintiff is not in dispute. In fact, the dispute is

with regard to open land, ownership whereof is being claimed on the basis of an agreement to sell.

Learned counsel for the appellant submitted that since the property is situated within the abadi of the village, therefore, no sale deed is required and title can validly pass without execution and registration of the sale deed.

This Court is constrained to observe that the learned counsel for the appellant, has not examined the provisions of Section 17 of the Registration Act, 1908 which bar the transfer of title of immovable property worth more than ₹100/- by an unregistered document.

Learned counsel for the appellant could not even draw attention of the Court to any provision of the Registration Act, 1908 which exempts the property situated in abadi (residential area) from the operation of the Registration Act, 1908.

In view thereof, 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.

26.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No