

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

RSA No.4651 of 2016 (O&M)

Date of decision : 25.09.2018

Nafe Singh

...Appellant

Versus

Baru Mal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the appellant.

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 permanent injunction filed by the plaintiff and decreeing the counter claim filed by the defendants for possession.

The plaintiff claims that he is in possession of the property i.e. plot bearing No.359/3 on the basis of Exchange Deed dated 13.01.1999.

On the other hand, defendants deny the exchange of the property and have taken a plea that the defendants took a forcible possession of the property and this fact came to their knowledge on the date demarcation being carried out.

Both the Courts below after appreciating the evidence have recorded the concurrent findings of fact that the plaintiff failed to prove any

exchange between the parties. Apart from other things, admittedly the deed of exchange is not registered, hence not admissible in evidence as the Indian Registration Act, requires the document to be compulsorily registered. Still further, both the Courts have appreciated the evidence and found that the factum of exchange is not proved.

Learned counsel for the appellant although has made a sincere attempt, however, could not point out any substantive error or perversity in the judgments passed by both the Courts below.

Hence, 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.

25.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No