

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5173 of 2016 (O&M)

Date of decision: 10.08.2018

Harvinder Singh

..... Appellant

Versus

Jarnail Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Naveen Batra, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff filed a suit for permanent injunction claiming that Kirpal Singh had executed an unregistered sale deed in his favour and therefore, he is in possession of the property. The defendants contested the suit and pleaded that during the life time of Piara Singh, the predecessor-in-interest of the parties, the properties were partitioned and 15 marla each fell to the share of three brothers i.e. total 45 marlas. The defendants further pleaded that the plaintiff has taken forcible possession of land although, the defendants have purchased 8 marlas of land vide registered sale deed dated 21.05.2005. It has further been pleaded that father of the plaintiff had also filed a suit for injunction which was withdrawn on 08.03.2011.

Both the Courts after appreciating the evidence available on the file have held that the rights in the immovable property cannot be

transferred by an unregistered document. On the other hand, the defendants have proved on file that Kirpal Singh, the owner had executed the sale deed in their favour on 21.05.2005. This land measuring 8 marlas was adjoining the property of Jarnail Singh i.e. the defendant.

Although, learned counsel for the appellant has made sincere attempt, however, could not draw attention of the Court to any misreading or non-reading of substantive evidence. He also could not point out any perversity in the judgments passed by the Courts below.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

10.08.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No