

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

RSA-5253-2016 (O&M)
Date of Decision : 09.08.2018

Krishan Dulari

..... Appellant

Versus

Harvinder Kaur

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. C.L. Sharma, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for possession filed by the respondent who was claiming that she had purchased the property in dispute from her father.

As per the claim of the respondent, at the time of execution of the agreement to sell the entire payment was paid to her father. However, it was stipulated in the agreement to sell that since the property was situated in the lal lakeer and the shikni record had not been completed, the sale deed could be registered after that record was completed and therefore the sale deed was duly registered (during the pendency of the suit). After having been put into possession, the respondent raised construction on the plot measuring about 9 marlas consisting of three rooms, varandha, kitchen, bathroom, latrine and stairs. It was further her claim that she was earlier residing in Coimbatore for the last more than 15 years with her father and

brother, however, she was looking after the property and also paying the chowkidara to the lambardar of the village. In the month of June, 2006, in her absence the appellant (her brother's wife) had taken illegal possession of the property in dispute. The case of the appellant on the other hand was that she had been in possession of the property in dispute from day one and since her husband (the brother of the respondent) had deserted her she was in legal possession of the same. Further as per her, the agreement to sell could neither convey title nor could in fact been executed because it was ancestral property. Both the courts below held that the respondent had been able to prove the fact that she had paid valuable consideration for the land in dispute; that during the pendency of the suit the sale deed was also executed in her favour; that the electric meter connection in the property was got installed by her; the bills were issued in her name but the appellant could not either proved that the property was ancestral in nature nor that she had any coparcenary right in the same and consequently the courts below decreed the suit.

Counsel for the appellant has not been able to point out any evidence which may lead to the conclusion that the property was ancestral in the hands of her father-in-law or that the appellant had any right in the same.

Appeal is dismissed. No costs.

Since the main cases have been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 09, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No