

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

RSA No. 534 of 2016 (O&M)
Date of decision : September 11, 2018

Sultan, deceased, through LRs

..... Appellant

v.

Balmukand and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Divya Sarup, 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 and permanent injunction filed by respondent No.1.

The case of respondent No.1 was that in the year 1976, the Haryana Government (under a scheme to give relief to land less persons of the depressed classes) had transferred 3 marla of land in village Bawanikhera, District Bhiwani by way of registered gift deed. Originally, one Kartara had sought to claim that land and respondent No.1 had to fight upto the High Court to vindicate his right. Thereafter, the father of the appellant, namely, Chhabila, started interfering in the possession and respondent No.1 had to file a suit against him. In that suit, the father of the appellant had made a statement that he had no connection with the land in

dispute but thereafter in the year 2001 he again sought to interfere with the possession and ultimately the instant suit was filed. The father of the appellant having died in the meantime, the appellant filed written statement claiming that he had purchased the land from Kartara by way of an agreement to sell and further he was in adverse possession of the land in dispute. Both the Courts below having decreed the suit, the appellant is before this Court.

Counsel for the appellant has argued that there are cuttings in the gift deed propounded by respondent No.1. In my opinion, once the appellant traced his title from Kartara and Kartara had lost upto the High Court, the appellant now cannot reopen the issue of title between Kartara and respondent No.1. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 11, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No