

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

RSA No.6225 2016 (O&M)

Date of Decision.04.12.2018

Parkash Chand

....Appellant

Vs

Ram Kishan (now deceased) through LRs and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Yash Dev Kaushik, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming declaration on the basis of registered document, which is sale deed dated 30.04.2009 allegedly executed by one Phoolan widow of Gangoli. It was alleged that aforementioned sale deed was executed in the presence of attesting witness and scribed by Tuhiram, scribe. The defendants denied the ownership of the property and as such, cause of action accrued to file the suit.

Defendants opposed the suit denying ownership of Phoolan widow of Gangoli. It was alleged that Gangoli had filed the suit against father of the defendant i.e. Civil Suit No.99 of 1999, which was decided on 05.06.2003, Ex.D1 whereby the defendant was held to be owner of the suit property.

Learned counsel for the appellant submitted that both the Courts below have failed to appreciate the fact that registered document carries presumption of truth. By mere bald statement of

fraud, defendant cannot be entitled to claim title of the property.

I am afraid aforementioned argument is not sustainable, as the statement made by Gangoli before the trial Court in the aforementioned suit leaves no manner of doubt, for, in so many words Gangoli admitted the ownership of the property in favour of Gyasi. It is settled law that a person, who is not owner of the property, cannot part with the title. The appellant-plaintiff failed to establish on record ownership of Phoolan and Gangoli. In the absence of the same, they could not pass a better title.

As an upshot of my finding, concurrent finding of fact and law arrived at by both the Courts below cannot be faulted with, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out.

Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 04, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No