

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

RSA No.3781 of 2014 (O&M)

Date of decision : 18.05.2018

Darshan Singh

...Appellant

Versus

Bhagwant Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarju Puri, Advocate for the appellant.

Mr. Vijay Lath, Advocate for the respondent.

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.

It is unfortunate that two neighbours are fighting for a small piece of land situated in the Village. The plaintiff is Non-Resident Indian living in Dubai. He claims that his neighbour defendant-Bhagwant Singh has encroached upon certain area of his plot i.e. 192 square feet only.

The defendant contested the suit and pleaded that in fact originally this property was jointly owned by Dharam Singh, father of the plaintiff and Karam Singh, his brother. Karam Singh sold the property to the defendant vide registered sale deed dated 11.07.1986 and the defendant started residing therein. It has further come in evidence that common wall in between the houses was straightened when father of the plaintiff was alive

and the defendant in lieu thereof had paid ₹2,000/-.

Learned counsel for the appellant contends that such payment of ₹2,000/- amounts to admission of the defendant that the plaintiff is owner and, therefore, no title could pass to the defendant without a registered document as such settlement is sale of the immovable property.

This Court has considered the submissions. Resolution of dispute between the neighbourers cannot be said to be a sale of the immovable property in that sense. A small dispute which was resolved between the neighbours cannot be allowed to be defeated merely on technicalities. It is not the case of the plaintiff that the defendant is in possession of share in excess of the land purchased by him. As noticed above, the area involved is very small lying in between the houses situated in the village.

In view thereof, there is no scope for interference 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.

18.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No