

RSA No. 1363 of 2017(O&M)

Date of Decision: 31.8.2018

Abdul Hannan

---Appellant

versus

Hassan Mohammad

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sumit Gupta, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration and permanent injunction filed by the respondent-plaintiff on the basis of sale deed dated 17.12.1998 qua land measuring 6 kanal 2 marlas by Noor Mohammad, father of the appellant-defendant was decreed by the trial court and the appeal preferred by the appellant did not find favour with the District Judge, Palwal.

Perusal of the impugned judgment would reveal that dispute between the parties is only in respect of 2 kanal of land on account of area measuring 80 kanal 2 marlas having been reverted to the patti of the village in civil suit titled "Jumme Khan vs. Abdul Rehman and others". The courts have consistently held that as Noor Mohammad remained co-owner to the extent of 1/4th share in the remaining land measuring 116 kanal 2 marlas and his share comes to 29 kanal 6 marlas which is more than the land sold to the respondent-plaintiff, the respondent-plaintiff is entitled to the entire land

subject matter of sale deed dated 17.12.1998. I do not find an error much less perversity in consistent findings recorded by the courts warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

31.8.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No