

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

RSA No.1432 of 2017(O&M)

Date of decision: 19.7.2018

Raghuvir Singh

....Appellant

VERSUS

Shamsher Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Peeush Gagneja, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit filed by appellant along with co-plaintiff Jaspinder Singh seeking declaration that the plaintiff continue to be owners in possession of suit land on the basis of sale deeds bearing No.532 dated 27.08.2003 and 767 dated 05.12.2003 executed by Shamsher Singh – defendant No.1 and judgment and decree dated 01.02.2002 in Civil Suit No.83-1 dated 08.02.2000/03.10.2001 passed by the Civil Judge (Junior Division), Abohar is null and void has been dismissed except to the extent of 7 kanal 16 marlas of land which was inherited by Shamsher singh on the death of his father Jangir Singh as Jangir Singh died prior to execution of the sale deeds in question.

The sole submission made by counsel for the appellant is that defendants No.1 and 2 played fraud with the plaintiffs by filing civil suit No.83-1 that culminated in the judgment and decree dated 01.02.2002 but the said judgment and decree was not reflected in the revenue record at the

time when plaintiffs purchased the land from Shamsheer Singh vide sale deeds dated 27.08.2003 and 05.12.2003.

I have heard counsel for the appellant, perused the paper-book particularly the judgments passed by the Courts but find that the appeal sans merit and liable to be dismissed.

The judgment and decree dated 01.02.2002 in civil suit filed in the year 2000 was passed even before the plaintiffs came in picture by getting the aforesaid sale deeds in their favour, therefore, plea of the plaintiffs that the said judgment and decree is the result of fraud or has been obtained with an intent to cause wrongful loss to the plaintiffs is highly misconceived and has rightly been rejected by the Courts. As Shamsheer Singh was not owner of land at the time of execution of sale deeds in the year 2003, the Courts have rightly held that no one can confer better title than he himself has. In this view of the matter, judgments passed by the Courts are based upon correct appreciation of factual as well as legal aspects involved in the case, warranting no intervention in regular second appeal.

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

JULY 19, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no