

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

**RSA No. 1135 of 2018
Date of decision : 17.05.2018**

Buta Singh ...Appellant

versus

Kunti Devi and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagmeet Singh, Advocate
for the appellant.

RITU BAHRI, J.

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-respondents (herein after to be referred as 'the respondent') for declaration, has been decreed.

Brief facts of the case are that the plaintiff has purchased the land measuring 11K-0M as detailed in the head note of the plaint from late Sh. Lal Singh predecessors of defendant Nos., 2 to 5 vide sale deed 04.10.1999 bearing document No. 3246 and since then he is in cultivating possession of the same. The plaintiff handed over the photocopy of the sale deed along with affidavit of Lal Singh for sanctioning the mutation, which has not been sanctioned. Later on the plaintiff came to know that defendant No. 1 tried to dispossess her from the suit land forcibly but the matter was settled by the respectables of the village. Sale deed dated 13.05.2010 executed by Lal Singh in favour of defendant No. 1 regarding the land

measuring 3 K 4 M bearing $\frac{1}{2}$ share of total land measuring 6 K 8 M bearing Khasra No. 20R/1/1 (3K-4M) and 20R/1/2 (3K-4M) is totally illegal, null and void as Lal Singh had already sold this land to plaintiff vide sale deed dated 04.10.1999 along with other land measuring (7K-16M).

The trial Court decreed the suit of the plaintiff, as Lal Singh had already sold his share of 3K 4M bearing Khasra No. 20R/1/1 to the plaintiff vide sale deed dated 04.10.1999. There is no evidence that the defendant had no notice of previous sale deed. Even otherwise, registration of document is notice to general public. Defendant No. 2 to 5 admitted the claim of the plaintiff in the written statement. On 13.05.2010, Lal Singh was not having any ownership over land bearing Khasra No. 20R/1/1 (3K-4M) and 20R/1/2 (3K-4M) and was not competent to execute the sale deed. He had already received sale consideration from the plaintiff and again received sale consideration from defendant No. 1. The mutation does not confer any title. However, it was held that defendant No. 1 is at liberty to avail appropriate remedy to recover the amount paid by him along with interest from the estate of Lal Singh inherited by his legal heirs or can raise claim over any other property of Lal Singh as per terms and conditions of the sale deed, under provision of law.

The finding of facts recorded by the learned trial Court was rightly upheld by the Lower Appellate Court, as the defendant is not a bona fide purchaser as Lal Singh had already executed sale deed in favour of plaintiff on 04.10.1999 and thereafter the subsequent sale deed dated 13.05.2010 had not conveyed any title in favour of defendant No. 1.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal is dismissed.

17.05.2018
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>