

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.Ms. No.2914-2915-C of 2018 in/and
RSA No.1176 of 2018
Date of Decision: 22.02.2018**

Rakesh

... Appellant

Versus

Behra & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Anupama Sharma, Advocate,
for the appellant.

RAMENDRA JAIN, J.(Oral)

C.M. No.2914 -C of 2018

For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed. Delay of 16 days in filing the appeal is condoned.

RSA No.1176 of 2018 (O&M)

Defendant No.1 after remaining unsuccessful in both the Courts below has filed this regular second appeal challenging the judgment and decree of the First Appellate Court dated 26.09.2017 affirming the judgment and decree of the trial Court dated 10.02.2014, whereby suit of respondent No.1-plaintiff for permanent injunction was decreed with costs.

In nutshell, respondent No.1-plaintiff claiming his title over the suit property along with six persons on the basis of sale deed No.8652, dated 04.03.1999 (Ex.P-1) filed a suit for permanent injunction against the appellant to restrain him from interfering into his possession, illegally and forcibly.

Appellant-defendant No.1 contested the suit.

The trial Court after holding trial decreed the suit vide impugned judgment and decree dated 10.02.2014 observing that the appellant though had claimed his title over the suit property, but could not prove the same by producing any registered document of title in his favour.

Being aggrieved, appellant-defendant No.1 approached the First Appellate Court, but remained unsuccessful inasmuch as his first appeal too was dismissed.

Learned counsel for the appellant contends that the previous owner of the suit property namely Smt. Babli as DW-3 specifically supported the claim of the appellant by deposing in the Court that she had sold the suit property to the appellant and had received the entire sale price. Therefore, both the Courts below ought to have dismissed the suit by holding the valid title of the appellant over the suit property.

Having given anxious consideration to the submissions made by learned counsel for the appellant, I find that the instant appeal is completely devoid of any merit for the reasons to follow.

The appellant has claimed his title over the suit property on the basis of an agreement to sell (Ex.D1). However, both the Courts below have rightly ignored the said agreement being a unregistered document, in view of the fact that tile of a immovable property having the value of more than ₹100/- cannot be transferred without a registered document. In the absence of any registered document/sale deed in favour of the appellant, the oral testimony of DW-3 Babli has no significance.

No question of law muchless substantial question of law

arises or raised for consideration in this appeal.

I have gone through the impugned judgments of the Courts below and found no illegality or perversity in the same.

The appeal is dismissed.

22.02.2018
monika

(RAMENDRA JAIN)
JUDGE

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