IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.2046 of 2017 (O&M)
Date of Decision: February 20, 2018.

Nirmala and others

.....APPELLANT(s).

VERSUS

Suresh and anothers

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kul Bhushan Raheja, Advocate
for the appellant (s).

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SURINDER GUPTA, J.

Heard.

Appellant-plaintiffs (except plaintiff Vikram) filed suit challenging the sale deed dated 29.12.2009 executed by defendant No.1 Devia in favour of defendant No.2. The suit was dismissed by learned Civil Judge, Kaithal and the appeal filed by six out of 7 plaintiffs, was also dismissed by the first Appellate Court.

While drawing my attention to the allotment letter Annexure A1, learned counsel for the appellants has argued that the plot measuring 3 marlas was allotted in favour of defendant No.1 Devia with the terms and conditions as mentioned in the allotment letter. As per term of allotment, the plot has to remain with the allottee or his legal heirs and he was not entitled to sell the plot. The sale be Devia was in violation of terms of allotment.

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Copy of allotment letter (Annexure A-1) shows that plot in question was allotted to Devia on 05.08.1976. He had sold this plot on 29.12.2009 i.e. after a period of about 33 years of the allotment. Even if, the plea of learned counsel for the appellant be accepted that the sale has been made in violation of terms of the allotment, it is for the Gram Panchayat to take action in the matter and the appellants-plaintiffs who are sons/daughters and wife of Devia, have not right to assail the sale deed in favour of defendant No.2-Suresh. The suit filed by appellants is highly misconceived.

On perusal of the judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

February 20, 2018
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

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