

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

RSA No.2347 of 2017 (O&M)

Date of decision:01.11.2018

Mukesh and another

... Appellants

Vs.

Pat Ram and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Surinder Dagar, Advocate
for the appellants.

AMIT RAWAL J.(oral)

The appellant-plaintiffs have not been successful in challenging the relinquishment deed dated 15.06.2005 executed by defendant No.1 in favour of defendants no.2 and 3. The plaintiffs alleges to have purchased the property from defendant no.1 vide sale deed dated 24.09.2007. Later on, inquired that his vendor had already parted with the ownership and in this regard, challenge was laid to the relinquishment deed.

Both the Courts below have non-suited the appellants.

Learned counsel appearing on behalf of the appellant-plaintiffs submitted that it was a fraud played upon on the vendor/defendant no.1 by defendants no.2 and 3. There was no entry in the revenue record with regard to the relinquishment deed, therefore, all reasonable enquiry made did not yield any adverse result.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, a person who did not have the title in the property, could not pass on the better title. Concededly, defendant no.1 vide registered relinquishment deed dated 15.06.2005 parted with his title and interest in favour of defendants no.2 and 3. He did not have any right to execute the sale deed in favour of the plaintiffs. The suit was filed on 19.06.2008 after a period of three years of the execution of the registered document. The remedy, if any, for the appellant-plaintiffs was to claim damages against the defendant-respondents nothing beyond.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees under challenge which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 01, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No