

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

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**CM No.7663-C-2018 in/and
RSA No.3077 of 2017 (O&M)
Date of Decision : 10.07.2018**

Mohinder Pal

..... Appellant

Versus

Dev Raj and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Ms. Amandeep Kaur, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM No.7663-C-2018

This application has been filed for pre-poning the date of hearing of the main case. For the reasons recorded, the application is allowed and the main case is taken up today.

RSA No.3077 of 2017

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for possession filed by the respondents.

The case set up by the respondents was that the property was owned by the father of the appellant and respondent No.1. After the death of the father, the appellant sold his share in the property to father of respondent No.2 for a sum of Rs.4,000/-. After sometime, he came back to

the village and the respondents permitted him to stay in the house in question as per writing dated 02.03.1985. Thereafter at one stage the appellant filed a suit for injunction against the respondents praying that he was in possession as owner and he could not be dispossessed except in due course of law. In that suit the Court considered the writing held it to be proved and rejected the case of the appellant that he was owner in possession and held that he was in permissive possession. That judgment became final; thereafter the respondents filed the present suit for possession.

Both the Courts below held that even if the writing dated 02.03.1985 was not a registered sale deed yet it definitely showed that the appellant had been put into possession as a licensee by respondents and consequently, decreed the present suit for possession. That is how the appellant is before this Court.

Learned counsel for the appellant has argued that the writing dated 02.03.1985 did not convey any title because it was an unregistered document and consequently the ownership of respondents could not be held to be proved. In my opinion, that is not a complete answer. The previous suit had been allowed to become final by the appellant. Once that is so, the present suit of possession would well lie, whether or not title resides in respondents.

There is no reason to upset the judgments of the Courts below.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No