

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) RSA No.326 of 2017 (O&M)
Date of Order:20.08.2018

Ramesh and another ..Appellants

Versus

M/s Bhalotia Industries Pvt. Ltd. and another ..Respondents

(2) RSA No.1094 of 2017 (O&M)

Ramesh and another ..Appellants

Versus

Global Commodities Pvt. Ltd and another ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Shekhawat, Advocate,
for the appellants.

ANIL KSHETARPAL, J.

This judgment shall disposed of Regular Second Appeal No.326 and 1094 of 2017 as both the appeals arise from a single suit which resulted into two first appeals, disposed of by the learned first appellate court by a common judgment.

Plaintiff-appellants are in the regular second appeal against the judgment passed by the learned first appellate court reversing the judgment and decree passed by the learned trial court.

Ombir, father of the plaintiff-appellants was owner of the property and he sold the property through registered sale deed in favour of defendant no.2-Smt. Kusum Lata, respondent no.2 herein, vide sale deed dated 28.08.1989. Smt. Kusum Lata, thereafter, further sold the property in favour of defendant no.1-M/s Bhalotia Industries Pvt. Limited, formerly

named as Global Commodities Pvt. Ltd., vide sale deed dated 25.05.1990.

Plaintiff filed a suit for declaration with consequential relief of permanent injunction claiming that he is owner in possession of the land as his father Ombir had expired in the year 2001 and, thereafter, mutation was sanctioned in favour of Class-I heirs, namely, widow, daughters and the plaintiff being son. The daughters of Ombir had relinquished their share in favour of the plaintiff vide mutation no.8687 of 1987. Hence, the plaintiffs are owners in possession.

Sale deeds executed by Ombir in favour of Smt. Kusum Lata and further sale deed executed by Smt. Kusum Lata in favour of defendant no.1 were not challenged.

Learned trial court did not grant any declaration to the plaintiff but decreed the suit finding the plaintiff to be in possession on the basis of revenue record.

Two appeals were preferred, one by defendant no.1 and second by the plaintiff.

Learned first appellate court after re-appreciating the evidence available on the file, accepted the appeal filed by defendant no.1 and ordered dismissal of the suit in entirety and consequently the appeal filed by the plaintiff was dismissed.

Learned counsel for the appellants has admitted that the sale deeds dated 28.08.1989 and 25.05.1990 have not been challenged. He further also could not draw attention of the court to any evidence which may prove that Ombir had not executed the sale deed dated 28.08.1989. The only submission of learned counsel for the appellants is that since pursuant to the sale deed mutation of the land was not sanctioned at

appropriate time, therefore, defendants have no right.

In the considered view of this court, the argument is totally wrong. The rights in the immovable property are transferred on the basis of registered document and mutation of the sale deed/document is only for the fiscal purposes i.e. for updating the record and collection of the land revenue. Mutation proceedings do not confer any title. Even if a mutation of the sale deed is not entered and sanctioned, a valid title has been transferred in favour of vendee on the execution and registration of the sale deed, and mere non sanctioning of mutation would have no adverse effect on the title of the purchaser.

In view thereof, this court does not find any good ground to interfere with the findings of fact arrived at by the learned first appellate court.

The regular second appeal is dismissed.

August 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No