

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

RSA No.3211 of 2018 (O&M)

Date of Decision: 09.07.2018

Usha Devi

... Appellant

Versus

Jai Kuwar and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Tarunveer Vashist, Advocate,
for the appellant.

TEJINDER SINGH DHINDSA, J.

Plaintiff-appellant is in second appeal before this Court having remained unsuccessful in both the Courts below.

Briefly it may be noticed that plaintiff filed a suit seeking declaration to the effect that she is the absolute owner and in peaceful, lawful, exclusive and proprietary possession over the suit property. Further relief sought was of permanent injunction restraining the defendants from in any way interfering in the peaceful possession over the suit property.

Plaintiff/appellant was claiming ownership over the suit property on the basis of an unregistered agreement to sell dated 02.11.1989. The Courts below have rightfully non-suited the appellant by holding that a mere agreement to sell does not confer any title in favour of the prospective buyer.

Mr. Tarunveer Vashist, learned counsel for the appellant during the course of hearing before this Court fairly

concedes that he would have not much to say as regards title/ownership of the appellant over the suit property. He would, however, argue that the Courts below have erred in declining the relief of permanent injunction.

This Court finds even such submission to be wholly misconceived. A finding of fact has been recorded by the Courts below that no evidence had been adduced by the plaintiff to demonstrate his exclusive/actual possession over the suit property.

Under such circumstances, the relief of permanent injunction has rightfully been declined.

There is no merit in the appeal.

No question of law much less substantial question of law arises.

Appeal dismissed.

09.07.2018

vandana

(TEJINDER SINGH DHINDSA)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes

No