

**RSA- 397 of 2017(O&M)**  
**Date of Decision: 29.10.2018**

**Gurdeep Kaur**

**---Appellant**

**versus**

**Indian Oil Corporation and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present: Ms. Divya Jerath, Advocate  
for the appellant**

**Mr. Ashish Kapoor, Advocate,  
for caveator-respondents No. 1 to 4**

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**Rekha Mittal, J.**

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration to challenge lease deed dated 28.5.2003 executed between respondents-defendants qua khasra No. 3//18/1/1/2(0-18) situated in village Araji Darya Bramad Rail, Had Bast No. 420 and permanent injunction restraining the respondents from interfering and dismantling wall of the plaintiff constructed over suit property was dismissed by the trial court vide judgment and decree dated 8.9.2016 and appeal preferred by the plaintiff-appellant remained unsuccessful before the court of Additional District Judge, Shaheed Bhagat Singh Nagar.

Perusal of the judgments would reveal that dispute between the parties is in respect of three marlas of land that is used as a way for access

to the petrol pump sanctioned by official respondents in favour of respondents No. 5 and 6. The courts have consistently held that three marlas comprising khasra 3//18/1/1/2(0-18) was sold by the plaintiff to State Government vide sale deed dated 9.9.2002, therefore, the appellant-plaintiff cannot assert her claim in respect of land already sold by her to State Government.

After arguing for sometime, counsel for the appellant would state that the present appeal may be dismissed as withdrawn but without prejudice to right of the appellant to challenge the sale deed purported to be executed by her in favour of the State Government on the ground that the same is void being without consideration.

Dismissed as withdrawn. The appellant may take recourse to appropriate remedy, in accordance with law.

**(Rekha Mittal)**  
**Judge**

**29.10.2018**

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No