

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

RSA No.984 of 2014 (O&M)

Date of Order:27.11.2018

Nand Kishore

..Appellant

Versus

Tejvir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Adarsh Jain, Advocate,
for the appellant.

Mr. Manoj Kumar Sood, Advocate,
for the respondents.

ANIL KSHETARPAL, J.

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below. Detailed facts have already been noticed by this court in the judgment of even date while deciding Regular Second Appeal Nos.4181 and 4224 of 2012.

Plaintiff in the present case has sought a decree for declaration to the effect that the sale deed dated 13.03.1997 registered on 14.03.1997 is liable to be set aside. The suit filed by the plaintiff is based on the fact that Smt. Kalawati, her mother, sold the property more than her share.

Although, learned counsel appearing for the appellant tried to convince this court by providing details of various sale deeds executed by Smt. Kalawati and had thus sold her entire share before execution of the sale deed dated 13.03.1997, however, learned counsel appearing for the respondent has pointed out that when Nand Kishore-plaintiff, appeared in evidence, he admitted that if the various sale deeds executed by various parties after carving out the plots are taken into consideration by including

the land which has been assigned/reserved for streets etc. the sale deed executed by Smt. Kalawati is according to her share. Such admission made by plaintiff clearly prove that Kalawati had sold the property according to her share. Apart from the aforesaid, no other argument was raised.

Hence, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

27th November, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No