

RSA No. 411 of 2017(O&M)

Date of Decision: 1.8.2018

Jaswant Singh

---Appellant

versus

Gurmeet Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Harkaran Singh, Advocate
for Mr. B.S.Bhalla, Advocate
for the appellant

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration to challenge the transfer deeds dated 29.1.2009 and dated 2.5.2005 executed by Smt. Kesar Kaur in favour of defendants No. 1 and 2 and sale deed executed by defendant No. 1 in favour of defendants No. 3 to 5 being illegal, null and void and liable to be ignored with consequential relief of permanent injunction was dismissed by the trial court vide judgment and decree dated 10.2.2016. The appeal preferred by unsuccessful plaintiff Jaswant Singh did not find favour with the court of Additional District Judge, Ferozepur.

The plea of the appellant alongwith his co-plaintiff is that Kesar Kaur had already given her share of suit land to plaintiffs in a family settlement, therefore, she did not have the authority to sell the land in question on the basis of sale deeds executed by her. The appellant-plaintiffs have not referred to the date, month and year of that family

settlement or the terms and conditions thereof. Counsel for the appellant has not pointed out any materials on record whereby the plaintiffs have been able to substantiate their plea with regard to any such family settlement whereby Kesar Kaur relinquished her rights in suit property in favour of the plaintiffs/appellant. No sooner the plaintiffs failed to prove that they became owner of land owned by Kesar Kaur, plea of the plaintiffs that transfer of suit land by Kesar Kaur in favour of respondents/defendants is wrong, illegal, null and void becomes unfounded and has rightly been rejected by the courts.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

1.8.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No