

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

**RSA No.4204 of 2017 (O&M)
Date of Order: 16.10.2018**

Ram Narain

..Appellant

Versus

Smt. Dhoopi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate, and
Mr. Abhinav Sood, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below, dismissing his suit for declaration, cancellation of the sale deed, rectification of mutations, for permanent and mandatory injunction.

Ram Narain son of Himmad Ram was owner of the property in dispute. It is the case of the plaintiff that Ram Narain son of Himmad Ram had sold the property to Ganga Ram through oral sale and thereafter Ganga Ram sold the property to plaintiff through oral agreement to sell. The oral sale in favour of Ganga Ram is said to be for Rs.550/-. The aforesaid oral sale is impermissible in view of Section 17 of the Registration Act. No sale of immovable property worth more than Rs.100/- through a unregistered document is permissible. Hence, there is no transfer of title in favour of Ganga Ram and consequently Ganga Ram could not transfer any title in favour of the plaintiff.

Still further defendant no.1, who is son of Ram Narain son of

Himmad Singh (admitted owner) had sold the property through registered sale deed in favour of defendant no.2 and thereafter in favour of defendant no.3. The courts below have rightly refused to set aside the registered sale deed only on the basis of oral agreement to sell or oral sale deed which are not proved on file.

In view thereof, 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.

October 16, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No