

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

116

RSA-553-2017 (O & M)
Date of Decision:16.10.2018

Jeet Singh @ Surjit Singh

...Appellant

Versus

Rajbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S. Mittal, 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.

Plaintiffs through the present suit sought a declaration that they are owners of the land measuring 17 kanals by way of adverse possession. Undisputed facts are that the plaintiffs purchased land measuring 51 kanals whereas no sale deed was executed with respect to 17 kanals of land owned by Veer Singh, although, it is the case of the plaintiff that agreement to sell was with respect to land measuring 68 kanals. Plaintiffs have claimed that since they continued in possession as per the agreement to sell, therefore, they have perfected their title by way of adverse possession. Plaintiffs have also challenged two sale deeds executed by legal heir of Veer Singh dated 05.11.2007 and 27.11.2007 in favour of the respondents.

Both the Courts below on appreciation of evidence have found

that the plaintiffs have failed to prove that they have perfected their title by

way of adverse possession. In fact, the Courts have found that possession of the plaintiffs was permissive.

This Court has heard learned counsel for the appellant and with his able assistance gone through the judgments passed by the Courts below.

Learned counsel for the appellant submitted that Balbir Kaur, widow of Veer Singh was an imposter and, therefore, there cannot be any conferment of title by Balbir Kaur in favour of respondents. However, on being pointed out, learned counsel admitted that neither Balbir Kaur has been made party nor her status as a widow of Veer Singh was subject matter of issue before the Courts below.

In the present case, the plaintiffs themselves have pleaded that they have entered into an agreement with regard to land measuring 68 kanals out of which 51 kanals had been purchased by them through registered sale deed but remaining land that is 17 kanals was never transferred in their favour.

In these circumstances, the Courts below have correctly found that the plaintiffs are not entitled to the declaration as sought for by them.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

16.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No