

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

118

**CM-16782-C-2018 in/and
RSA-6013-2018 (O&M)
Date of Decision : 18.12.2018**

Rajbir Singh

..... Appellant

Versus

Avtar Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

**Present: Mr. Arundeeep, Advocate
for Mr. R.S. Pandher, Advocate
for the applicant-appellant.**

AJAY TEWARI, J. (ORAL)

CM-16782-C-2018

For the reasons recorded, the application is allowed. Delay of 29 days in refiling the appeal is condoned.

RSA-6013-2018 (O&M)

This appeal has been filed against the concurrent judgments and decrees of the courts below decreeing a suit filed by the respondent No.1 wherein he had claimed that he was the sole owner of the property in dispute and the appellant was licensee.

The case of the respondent No.1 was that he was the owner and the property was purchased in open auction in his name by his father. The case of the appellant on the other hand was that in fact at the time of purchase of the property the respondent No.1 was a student of Class 10th and

the property was in fact purchased by father of the parties in the name of respondent No.1 and actually the father of the parties was the real owner and after his death all his three sons had inherited equal shares in the property. Both the courts below however held that the appellant was not able to prove that the property was purchased by their father and not by the respondent No.1 and consequently decreed the suit.

Even before me, the only argument raised by the counsel is that the respondent No.1 was minor at that time and actually the money was paid by the father of the parties. In my opinion, the mere argument would not suffice without evidence. It is not impossible that the student of Class 9th or 10th does not have any money. Further there is no explanation as to why the father of the parties did not purchase the property in his own name. In the absence of these facts, it is very difficult to set aside the judgments and decrees of the courts below.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

December 18, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No