

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-956-2017 (O&M)

Date of decision: September 14, 2018

Kishan Singh and another

...Appellants

Versus

Satya Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sachin Ohri, Advocate for the appellants.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/respondents filed a suit for permanent injunction restraining the defendants from interfering, encroaching or raising any construction over their land, measuring 05 Marlas, situated in village Sehowara Kalan, District Pathankot. In the alternative, relief of possession of the land in question was also sought. It was alleged that plaintiffs alongwith Tarsem Lal are co-owners of the suit land and defendants are strangers to the same. However, they being influential, had been threatening the plaintiffs to interfere into their peaceful possession over the said land. Defendants resisted the suit. In their written statement they pleaded that defendants had raised construction

over the suit land about 30 years ago. They had purchased the same from Sewa Ram, predecessor-in-interest of the plaintiffs. Other averments made in the plaint were denied. After hearing both the parties and perusing oral as well as documentary evidence, the trial court decreed the suit and directed defendants to hand over the possession of the land in question to the plaintiffs within two months from the date of order and not to interfere in the said land, except in due course of law. It observed that from Jamabandi Ex.P-1 and Khasra Girdawari Ex.P-2, plaintiffs have been able to prove themselves to be owners of the suit land, whereas defendants had produced on record writing dated 17.12.1970 Ex.D-2, from which it revealed that plot measuring 05 Marlas was sold by Sewa Ram to Kishan Singh for a sum of Rs.100/-. Said document cannot be treated to be a sale deed. Findings were affirmed by the lower appellate court.

I find no infirmity with the findings arrived at by both the courts below. It is settled law that every document, vide which sale of immovable property of Rs.100/- or above, is required to be registered under the Registration Act, 1908. Further the defendants had failed to prove ingredients of adverse possession. Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

CM-2155-C-2017:

Since the main appeal has been dismissed on merits, this application for condonation of delay does not survive and the same is also dismissed.

(RAJAN GUPTA)
JUDGE

September 14, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No