

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

RSA-250-2012 (O&M)

Date of decision : 13.03.2019

Balwinder Singh and another

..... Appellants

VERSUS

Mohinder Kaur through  
her legal representatives

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Atul Jain, Advocate, for the appellants.

Mrs. Rupinder Kaur Thind, Advocate, for the respondents.

\*\*\*\*\*

DEEPAK SIBAL, J. (ORAL)

Mohinder Kaur, who is now represented by her legal representatives, filed a suit seeking therein possession of a house detailed and described in the headnote of her plaint (for short, the suit property). The case set up by her was that she had purchased the suit property, alongwith the agricultural land attached thereto, through a sale deed dated 06.07.1990 from one Chanan Singh s/o Sher Singh for a total sale consideration of ₹33,000/-. Thereafter, she had renovated the existing structure and had also made some fresh construction over the suit property. According to her, in the year 2002 the appellants took forcible possession of the suit property and ever since were in unauthorised possession thereof. Requests made by her to the appellants to vacate the suit property went unheeded leading to the filing of the aforesaid suit seeking therein possession of the suit property.

On being put to notice, the appellants, who were the defendants in the suit, appeared before the Trial Court and filed their written statement through which they refuted the claims made by Mohinder Kaur. It was inter

alia submitted by them that the sale deed relied upon by Mohinder Kaur did not pertain to the suit property and that the house in question had been constructed over an area of 13 marlas whereas the sale deed relied upon by Mohinder Kaur was for only 8 marlas. According to the appellants the boundaries of the suit property also did not match with the sale deed relied upon by Mohinder Kaur. The averments made by Mohinder Kaur with regard to the purchase of the suit property by her from Chanan Singh as also with regard to making of renovations/construction over the same were denied. Objections with regard to Mohinder Kaur's suit being time barred; bad for non-joinder of necessary parties and being under valued were also taken.

The Trial Court after sifting the evidence which had come on record dismissed Mohinder Kaur's suit primarily on the ground that the sale deed relied upon by her did not pertain to the suit property. The description of the suit property was also not found to be matching with the property which was the subject matter of the sale deed.

The appeal filed by Mohinder Kaur before the Appellate Court was accepted occasioning the filing of the present second appeal.

Learned counsel for the appellants submitted that the Trial Court had rightly dismissed the respondents' suit on the ground that the sale deed on which Mohinder Kaur had placed reliance did not match with the boundaries and the area of the suit property. By drawing the attention of this Court to the sale deed relied upon by Mohinder Kaur as also the site plan of the suit property, the submissions accepted by the Trial Court were reiterated before this Court.

On the other hand, learned counsel for the respondents submitted that the Appellate Court had considered not only the sale deed in question but also the site plan attached thereto and then after comparing the same with the suit property had rightly concluded that the details and description in the aforesaid sale deed matched with the details and description of the suit property.

Mohinder Kaur filed the suit seeking therein possession of the suit property. She based her claim on the sale deed dated 06.07.1990 which was executed by Chanan Singh in her favour. The records reveal that the execution of the said sale deed was duly proved by the respondents through examination of its attesting witnesses PW-3 Madan Singh and PW-8 Ajit Singh, who categorically deposed that Chanan Singh, after understanding the contents of the sale deed, had signed the same in their presence.

After perusal of Ex.P-11 which is the site plan attached to the aforesaid sale deed as also the site plan Ex.D-24 which had been produced in an earlier litigation pertaining to the suit property, the findings returned by the Appellate Court that the sale deed relied upon by Mohinder Kaur pertains to the suit property are affirmed.

In view of the above, no interference is warranted with the findings of fact returned by the Appellate Court.

No question of law much less any substantial question of law is also found to arise in the present appeal.

Dismissed.

13.03.2019  
shamsher

[ DEEPAK SIBAL ]  
JUDGE