

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

**RSA No.2721 of 2016 (O&M)
Date of Decision.06.02.2019**

Hari Ram and another

...Appellants

Vs

The State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rakesh Dhiman, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

C.M. No.7292-C of 2016

For the reasons stated in the application, delay of 64 days
in filing of the appeal is condoned.

Application is allowed.

RSA No.2721 of 2016

The appellants-plaintiffs have not been successful in
claiming declaration and mandatory injunction directing the
defendants to enter the mutation in pursuance of the sale deed dated
24.10.1994 before the trial Court and as well as the lower Appellate
Court.

The short point involved in the case is whether in the
absence of ownership of the vendor, such direction could have been
granted with intervention of the Court, the answer would be 'no'. It is
settled law that a person, who is holder of a registered document and
other party is denying his ownership, onus is heavily laid upon him to
prove that his vendors or their previous vendors had right and title.

In the absence of the same, direction as sought for along with

declaration has rightly been rejected.

In view of aforementioned facts, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 06, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No