

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

**RSA No.2882 of 2017 (O&M)
Date of decision:05.02.2019**

Varinder Kaur Soi

... Appellant

Vs.

Union of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. C.M.Munjal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in claiming the declaration of ownership of shop no.143(P) Sadar Road, Ferozepur Cantt to be free hold property with consequential relief of permanent injunction qua forcible interference and dispossession against Union of India and Defence Estate Officer, Jalandhar Circle, Jalandhar.

It was alleged that plaintiff vide sale deed dated 07.03.2000 purchased the aforementioned property from Naresh Kumar as one Dina Nath son of Sant Ram in the open auction conducted by the Department of Rehabilitation purchased the aforementioned property and the sale certificate dated 25.04.1963 was issued and registered in the office of Sub-Registrar. Dina Nath through attorney Gian Chand sold the property to Roop Rani vide registered sale deed dated 12.7.1963. She executed a Will and on the basis of the Will, the beneficiary sold the property to Vinod Kumar in 1992 and Vinod Kumar to Vinod Kumar Garg, who to Naresh

Kumar and finally Naresh Kumar through attorney Jagveer Singh sold to the plaintiff, vide sale deed dated 7.3.2000. The sale certificate was issued by the Rehabilitation Department on free hold basis.

The defendants denied the aforementioned sale deeds and status of the plaintiff to be owner, much less the sale certificate Mark X. It was alleged that the suit property was on lease for 99 years ending on 02.08.2018 with Iqbal Begum. The alleged sale by Dina Nath in favour of Roop Rani was without any prior permission of the competent authority. The proceedings under public premises were initiated against the husband of the plaintiff which was adjudicated against her and appeal had also been dismissed and the matter is stated to be pending before this Court. The trial Court after framing the issues partly decreed the suit and the appeal taken before the Lower Appellate Court was also met with the same fate.

Mr. C.M.Munjal, learned counsel appearing on behalf of the appellant submitted that there was no defect in the title qua suit property as the suit property was free hold and the sale deeds dated 03.4.1992, 23.05.1994 and 7.03.2000 have been proved on record as Ex.P8, Ex.P9 and Ex.P3, respectively, whereas sale deed dated 12.07.1963 as Ex.P6 and certified copy of Will dated 8.7.1985 as Ex.P7. The sale deed dated 25.04.1963 as Ex.P4. The Courts below failed to notice that plaintiff had been able to connect the property.

I have heard the learned counsel for the appellant, appraised the judgments and decrees as well as record of both the Courts below and of the view that there is no force and merit in the submissions of Mr. Munjal, for,

all the documents have been tendered into evidence including the sale certificate as Ex.P4. It is settled law that mere exhibition of the document does not dispense with its proof. The aforementioned view of mine is derived from the ratio decidendi culled out by the Hon'ble Supreme Court in **Sait Tarajee Khimchand and others vs. Yelamarti Satyam and others** 1971 AIR (SC) 1865

The suit was also bad for non-joinder of the necessary party as the Rehabilitation Department allegedly issued a sale certificate, was not impleaded as party. The initiation of public premises proceedings itself established the ownership of the defendants. In such circumstances, by mere registration of the document, the plaintiff cannot acquire the ownership if the original title was under defect or not proved in accordance with law.

For the reasons aforementioned, there is no illegality and perversity in the judgments and decrees of both the Courts below. No substantial question of law arises for adjudication of the present appeal.

The regular second appeal is dismissed.

	(AMIT RAWAL)
	JUDGE
February 05, 2019	
savita	
Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No