

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.335 of 2017 (O&M)

Date of decision: 14.02.2019

Balwinder Kaur

..... Appellant

Versus

Mohinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. D.S. Malwai, Advocate
for the appellant.

Mr. Sherry K. Singla, Advocate
for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff No.3 who has purchased the property from plaintiffs No.1 and 2 during the pendency of the suit, is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiffs filed a suit for possession of 48 kanals 4 marlas claiming that Kaka Ram was owner of the property who had died living behind the plaintiffs as his successor-in-interest. It was pleaded that they have been dispossessed by the defendants in 2006. The defendants contested the suit and pleaded that the suit is not maintainable and they are purchasers of the property for a valuable consideration from Sohan Lal. Both the Courts after examining the evidence have found that the plaintiff's case is based upon total falsehood and there was litigation between the parties including the suit filed by their predecessor-in-interest challenging the sale deeds executed by Sohan Lal on 04.05.1990, 07.05.1990 and

08.05.1990 in favour of Sukhwinder Singh, Gurdev Singh and Subeg Singh. In the aforesaid suit, a compromise was arrived at and the suit was withdrawn on 17.08.1990. Even the compromise has been complied with as Subeg Singh and Gurdev Singh had transferred the land by way of two sale deeds dated 20.08.1990 and 23.08.1990.

In view of the aforesaid finding, there is hardly any ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

14.02.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No