

RSA- 5789 of 2018 (O&M)
Date of Decision: 30.1.2020

Birham Parkash and another

---Appellants

versus

Ganga Partap

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Deepender Ahlawat, Advocate
for the appellants**

Rekha Mittal, J.

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for permanent injunction claiming ownership and possession of the house in dispute has been rejected by holding that respondent-defendant is a co-sharer in the suit property and he is also in possession of a part of property, therefore, the appellants are not entitle to seek injunction against his co-sharer.

The appellants-plaintiffs claimed exclusive ownership of the suit property by averring that there was understanding between Kamla and Bharat Singh @ Bhartu, sister and brother as to how they would acquire title to certain properties including the suit property. As per the settled position in law, right in immovable property valuing more than Rs. 100/- can be relinquished only by way of a registered document.

Counsel for the appellants has failed to advance any arguments much less meaningful to assail concurrent findings recorded by the courts.

As such, I do not find an error much less perversity in concurrent findings recorded by the courts that would call for intervention.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 101 days in refiling the appeal is of academic relevance.

(Rekha Mittal)
Judge

30.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No