

In the High Court of Punjab and Haryana at Chandigarh

**RSA- 353 of 2020 (O&M)
Date of Decision: 23.1.2020**

Ram Rati (since deceased) through LRs and another

---Appellants

versus

Prithvi Raj (since deceased) through LRs and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Naresh Kaushik, Advocate
for the appellants**

Rekha Mittal, J.

CM No. 906-C of 2020

Prayer in this application is for condoning delay of 74 days in filing the appeal.

In view of averments made in the application and arguments advanced by counsel for the applicants, application is allowed and delay of 74 days in filing the appeal stands condoned.

Disposed of accordingly.

Main case

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit filed by Prithvi Raj (since deceased) now represented by his LRs claiming to be owner in possession of 1/4th share in land measuring 7 kanal 16 marlas, was decreed by the trial court vide decree and judgment dated 12.2.2015 that came to affirmed in appeal by the Additional District Judge, Jind.

Counsel for the appellants would fairly concede that he has no grievance to express in respect of decree passed in favour of Prithvi Raj with regard to his entitlement to 1/4th share in suit land. The only submission made by counsel is that sale deed No. 2067/1 dated 19.3.2010 was executed in favour of Ram Rati in respect of land of defendant No. 1 and Gopi Ram husband of Ram Rati, defendant No. 2 but the courts have held that the said sale deed has no affect on right of the respondent-plaintiff or to say that the same is not binding against Prithvi Raj. Admittedly, Prithvi Raj is not a party to the aforesaid sale deed in favour of Ram Rati. The appellants have not disputed entitlement of Prithvi Raj to the extent of 1/4th share in the suit land. Under these circumstances, findings of the courts that any such sale deed inter se the defendants would not have affect on right of the plaintiff-respondent, can not be faulted with.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

23/1/2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No