

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

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**RSA-1241-2021(O&M)
Date of Order: 12.11.2021**

PARAMJIT KAUR

..Appellant

Versus

MUKHTIAR SINGH AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Sh. Ashish Aggarwal, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff assails the correctness of judgment and decree passed by the First Appellate Court while dismissing the suit for possession in respect of the house constructed on 4 ½ marlas of land.

The plaintiff (appellant herein) sought possession claiming that he has purchased the property from late Sh. Puran Singh vide a sale deed dated 02.12.2015. The defendants contested the suit and pleaded that late Sh. Puran Singh had no right, title or interest in the property as he was only residing with them on account of shelter given to him by the defendants. No document to prove the title of late Sh. Puran Singh has been produced. Even no document with regard to the payment of electricity bill or *chulha* tax has been placed on file to prove that late Sh. Puran Singh had any interest in the property sold.

When the plaintiff appeared in evidence as PW-1, she admitted that late Sh. Puran Singh was not doing any work and he used to reside with the defendants.

The First Appellate Court has observed that the plaintiff has corroborated the version of the defendants. The Court further found out that

on the one hand she has stated that she did not see any document of ownership of late Sh. Puran Singh but at the same time, she states that at the time of execution of the sale deed, she verified the document of ownership of late Sh. Puran Singh from the revenue staff. Admittedly, no document from the revenue record has been produced.

It is well settled that before a plaintiff can succeed on the basis of ownership, she is required to prove the title of his or her vendor.

In the present case, the plaintiff has miserably failed to prove that fact. Apart from the sale deed, no document has been produced. The First Appellate Court has further found out that in the pleadings, the plaintiff has claimed that she obtained the possession of the suit property, however, it has come in evidence that she never possessed the suit property. PW-2 Balwinder Singh has also admitted that no possession of the suit property was ever delivered to the plaintiff.

The First Appellate Court further found out that the learned trial Court wrongly dismissed the suit only on the ground that the defendants have not challenged the correctness of the sale deed dated 02.12.2015, executed in favour of the plaintiff by late Sh. Puran Singh.

In absence of any evidence to prove the ownership of late Sh. Puran Singh, the sale deed dated 02.12.2015, do not confer any right, title or interest in favour of the plaintiff.

Therefore, the First Appellate Court was correct in observing that the defendants were not required to challenge the sale deed in favour of the plaintiff.

The learned counsel representing the appellant although made a sincere attempt, however, has fairly admitted that the plaintiff (appellant) has failed to produce any document apart from the sale deed to prove that late Sh.

Puran Singh had any right, title or interest in the property.

In view thereof, no ground to interfere.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

November 12, 2021

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No