

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

RSA-1040-2022 (O&M)

Date of decision: 24.05.2022

Gurkirpal Singh and another

....Appellants

Versus

Akashdeep Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramnish Puri, Advocate for the appellants
 Mr. Prateek Sodhi, Advocate for
 Mr. Sidhant Vermani, Advocate for the respondent/
 caveator

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of fact arrived at by the courts below, the defendant has filed the present appeal. The plaintiff's suit for separate possession by way of partition of the joint property has been decreed by both the courts below. It is proved on the file that both the brothers purchased the property jointly vide sale deed dated 31.10.2006. The appellant (defendant) claims that he paid the entire sale consideration. However, he has failed to prove this fact. Even otherwise as per Section 4 (2) of the Benami Property Transaction Act, 2016, no defence on this basis can be taken.

Hence, dismissed.

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

24.05.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**