

RSA-3244-2013(O&M)
Date of decision:24.03.2022

JAGMAL AND ORS

...Appellants

Versus

PARVINDER ALIAS PARVINDER SINGH
AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chetan Mittal, Sr. Advocate, with
Mr. Varun Issar, Advocate,
Ms.Shifali Goyal, Advocate,
for the appellants.

Mr. Jaivir Yadav, Sr. Advocate, with
Mr. Nitish Sharma, Advocate, for respondent no.1.

ANIL KSHETARPAL, J (Oral)

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

Defendant no.1 assails the correctness of the concurrent findings of fact arrived at by the Courts below while decreeing the suit for possession with respect to 1 kanal 2 marlas of land located in village Bigopur, Tehsil Narnaul, District Mahendergarh.

The defendant contested the suit while asserting that he is in continuous possession of the land since 08.10.1966. He has also constructed a boundry wall and a water tank. The defendant also asserted that in a private partition, Chunna son of Deep Chand gave the property to defendant no.1 about 37 years back and a Rapat Roznamcha was recorded on 08.10.1966.

Both the Courts on appreciation of the evidence found that in the revenue record defendant no.1 is entered as a 'Gair Marusi'. He is neither the owner nor a co-sharer in the property. He has also failed to prove the mutual partition.

The plaintiff is successor in interest of Chunna. Even otherwise, the immovable property valuing more than Rs.100/- cannot be transferred without a registered deed. Furthermore, the appellant has failed to prove the private partition.

The learned counsel representing the appellants, although, made sincere attempt, however, failed to draw the attention of the court to any substantive error.

Dismissed.

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

March 24, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No