

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.930 of 2013(O&M)
Date of Order: 31.03.2022

Umavati and another

..Appellants

Versus

Hari Singh (since deceased) through his LRs

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Seema Pasricha, Advocate
for the appellants.

Mr. Vikas Mohan Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The appellants are defendants in a suit for grant of decree of permanent injunction filed by Hari Singh claiming to be the owner in possession of the house constructed on an area measuring 200 Sq. yds. in which one room and a boundary wall has been constructed.

The plaintiff claims that he purchased the property from Sh. Amar Singh vide sale deed dated 24.02.1987 and the property of the plaintiff is comprised in khasra no.1678. As per the sale deed, his property is bounded as under:-

*“East: Seller (now Banwari Lal)
West: Gali*

North : Gali
South: Neighbourers”

The defendants contested the suit while asserting that defendant no.2 has purchased the plot in question vide sale deed dated 08.09.1986 from the same Sh. Amar Singh.

The learned trial Court dismissed the suit, whereas the First Appellate Court after comparing the boundaries of both the plots purchased by both the parties, has found that the plot in question was purchased by the plaintiff. It has been noticed that the plot purchased by the defendants is out of two khasra numbers i.e. 1678 and 1679. The dimensions of the plot of the defendants is also different as she purchased a plot measuring 45 feet x 40 feet. The description of the property on all four sides is also different.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the appellant contends that the First Appellate Court has erred in reversing the judgment of the trial Court as the defendants are the prior purchasers, thus, they have a superior right.

Per contra, the learned counsel representing the plaintiff while drawing the attention of the Court to the findings of the First Appellate Court has contended that both the plots are separate and it is proved that the plaintiff has purchased the plot in question.

Once, it has been found that both the plots purchased by the respective parties are different, the defendants cannot claim a superior right on the basis of being prior purchasers of the plot.

Keeping in view the aforesaid facts, no ground to interfere is

made out.

Dismissed.

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

March 31st , 2022

(ANIL KSHETARPAL)
JUDGE

nt

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