

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

105

**RSA No.6204 of 2016(O&M)
Date of Order: 07.04.2022**

Sachinder Singh and another

..Appellants

Versus

Bhale Ram(since deceased) through LR's and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harish Bhardwaj, Advocate
for the applicants-appellants.

Mr. Ashok Tyagi, Advocate
for Mr. S.S.Kharb, Advocate
for respondent no.2 to 7.

ANIL KSHETARPAL, J(Oral)

C.M.No.2404-C-2022

Prayer in this application is to bring on record the legal representatives of Bhale Ram-respondent no.1.

For the reasons mentioned in the application, which is supported by an affidavit, the application is allowed, subject to all just exceptions. The legal representatives mentioned in paragraph 2 of the application are brought on record only for the purpose of defending this appeal only.

The office is directed to carry out necessary corrections in the memorandum of parties.

MAIN

Defendant no.1 was ex-parte before the Courts below. Defendant no.2 and 3 assail the correctness of the judgment and decree passed by the first appellate Court. The trial Court while observing that no direction can be issued to the revenue authorities to enter mutation,

dismissed the suit. The first Appellate Court has reversed the aforesaid judgment and decree.

The plaintiff (respondent) filed a suit for issuing directions to the revenue authorities to enter mutation of sale deed dated 19.11.1996 while deleting the mutation entered on the basis of sale deed dated 28.03.1997. The plaintiff and defendant no.1 and 5 were owners to the extent of 1/5th share. Defendant no.1 sold 180/2523 share to the plaintiff vide sale deed dated 19.11.1996. Defendant no.1 after having sold his entire share again executed sale deed in favour of defendant no.2 and 3. The First Appellate Court while observing that on the day the sale deed in favour of defendant no.2 and 3 was executed by defendant no.1, he was not owner of the property, decreed the suit. Moreover, the plaintiff is a previous purchaser and therefore, has a superior right.

In view thereof, no ground to interfere is made out.

Dismissed.

April 07, 2022
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(ANIL KSHETARPAL)
JUDGE

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