

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

102

**RSA-5561-2014(O&M)
Date of decision: 12.09.2022**

SATBIR GAUTAM

..Appellant

Versus

NARENDER NADDA AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Kataria, Advocate
for the appellant.

Mr. Raj Kumar Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of the concurrent findings of fact arrived at by the Court below, the plaintiff has filed the present appeal. He has filed a suit for possession with a consequential relief of permanent injunction and mandatory injunction on the basis of sale deed dated 23.10.2003, executed by defendant No.2 namely M/s Alpine Floritech Ltd. Defendant No.1 contested the suit alleging fraud. He claims that he has purchased the property in Court auction from defendant No.2 for Rs.10,05,000/-.

Both the Courts have found that the plaintiff claims to have purchased the property from Sh. Rajinder Kumar who was never authorized by M/s Alpine Floritech Ltd. to sell the property. In fact, there was a judgment and decree against M/s Alpine Floritech Ltd. In the execution petition, the property was put to Court auction, defendant No.1 purchased the same. It has also come in evidence that the plaintiff and Sh. Rajinder Kumar have colluded as the plaintiff was a witness to another sale deed executed by Sh. Rajinder Kumar. It has also come in evidence that the market value of the property is around Rs.10,00,000/-, whereas, the sale

deed executed in favour of the plaintiff is only for Rs.64,500/-.

The learned counsel representing the appellant failed to draw the attention of the Court to any substantive error in the findings of fact arrived at by the Courts below. An incorporated Company can sell the property only after passing a resolution. In absence thereof, the sale deed executed by Sh. Rajinder Kumar does not convey any title in favour of the plaintiff.

Hence, no ground to interfere is made out.

Dismissed

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

September 12th, 2022

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(ANIL KSHETARPAL)
JUDGE

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