

2023:PHHC:152113
**118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-6109-2018 (O&M)
Date of decision: 30.11.2023

Jatinder Singh and another

....Appellants

Versus

Surjit Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Prateek Sodhi, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiffs. In substance, they filed a suit for grant of decree for joint possession on the premise that the mutation entry of the oral exchange of land, in the absence of a registered instrument, is not valid.

2. In fact, the matter in issue is covered against the appellants in view of the judgment passed by the Division Bench in **Sardara Singh and others vs. Harbans Singh and others 1974 AIR (P&H) 345**. The Division Bench, after examining the provisions of the Transfer of Property Act, 1884 held that only Section 54, 107 and 123 of the Transfer of Property Act, 1884 have been made applicable w.e.f 01.04.1955, but Section 118 was not extended to the area of the State of Punjab till then. Thus, the

Division Bench held that the mutation entry of the oral exchange of the agricultural land is permissible.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

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

30.11.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No