

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****203****RSA-554-1996 (O&M)****Date of Decision : 21.08.2024**

Satyawar and Others

....Petitioner

VERSUS

Balwan

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Jain, Advocate for the appellants.

Mr. Surinder Gandhi, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the plaintiff-appellants aggrieved by the findings returned by the both the Courts on issue No.2.
2. Brief facts relevant to the present *lis* are that the plaintiff-appellants herein filed a suit for possession by way of pre-emption qua the land as detailed in the plaint on payment of Rs.1,20,000/- or any other amount which the Court deems proper. The plaintiff-appellants claimed superior right of pre-emption being co-sharers as well as tenants. It was pleaded case that the land was actually sold for a consideration of Rs.1,20,000/- and a fictitious amount of Rs.1,98,000/- was got entered in the sale deed. The Trial Court decreed the suit of the plaintiff-appellants subject to payment of Rs.2,24,450/- minus 1/5th *zare panjam* amount of Rs.39,600/- on or before 05.01.1996. Aggrieved by the finding on issue No.2 an appeal was preferred by the plaintiff-appellants which appeal was dismissed by the

First Appellate Court vide judgment and decree dated 19.02.1996. Hence, the present regular second appeal.

3. Learned counsel for the plaintiff-appellants would contend that the value of the land was Rs.1,20,000/- and a fictitious amount of Rs.1,98,000/- had been shown in the sale deed. It is further the contention that the documents pertaining to adjoining sites were produced on the record as Ex.P-7 to Ex.P-11, however, ignoring the same the Courts had held that the sale deed had been executed for an amount of Rs.1,98,000/-.

4. *Per contra* learned counsel for the defendant-respondent would contend that in the present case the sale deed sought to be relied upon by the plaintiff-appellants pertained to different sizes of land situated in different areas. It is further the contention that no valuer was produced by the plaintiff-appellants. It has further been contended by learned counsel for the defendant-respondent that stamp duty was paid on the sale amount of Rs.1,98,000/-.

5. I have heard learned counsel for the parties.

6. In the present case both the Courts have returned concurrent finding of fact that the sale deed, which was sought to be pre-empted, was executed for an amount of Rs.1,98,000/-. The argument of learned counsel for the plaintiff-appellants that the value of the land was Rs.1,20,000/- and a fictitious amount was mentioned in the sale deed as Rs.1,98,000/- deserves to be rejected. The stamp duty paid on the said sale deed was as per the amount mentioned in the sale deed i.e. Rs.1,98,000/-. Further, no valuer's report was produced on the record by the plaintiff-appellants to prove the

price of land nor the circle rates were produced to show the value of the land. In the absence of the same, no fault can be found with the judgments and decrees passed by both the Courts.

7. In view of the above, I do not find any merits in the present appeal. No question of law, much less any substantial question of law, arises in the present case. The appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.08.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO