

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

2024:PHHC:017232

RSA-1345-2021 (O&M)
Date of decision: 07.02.2024

PARAMJIT SINGH

..Appellant

Versus

LAKHBIR SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sandhir, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. In this Regular Second Appeal, the plaintiff assails the correctness of the concurrent findings of the fact arrived at by the Courts below while dismissing his suit for the grant of decree of declaration that he is the owner in possession of property comprised in Khasra no.5967/4069/2548, measuring 4 marlas situated in the area of Sultanwind Sub Urban Taraf Behniwal, Tehsil and District Amritsar. He claims the property on the strength of a registered sale deed executed on 20.07.2012 by Sh. Jaswinder Singh, Sh. Ashok Kumar and Smt. Sunita in his favour. The defendants while contesting the suit, claims that they have purchased the property from Sh. Jaswinder Singh. On appreciation of evidence, the Courts have recorded the following three reasons to dismiss the plaintiff's suit:-

i. The defendants have produced as many as 7 sale deeds of their vendors's vendor, vendor's vendor. In other words, the defendants have produced chain of as many as 7 sale deeds in favour of their 7 previous vendors to prove their title, whereas, the plaintiff has led no evidence to prove title in favour of his vendors.

ii. The property purchased by the plaintiff is different from the suit property. In the sale deed produced by the plaintiff, purchased property was described in the following manner:-

East: Ownership of driver

West: Ownership of Kambo

North: Vacant plot

South: Street
Whereas, when the plaintiff filed the suit, he described the suit property as under:-
East: Property of others
West: Property of Ajmer Singh
North: Property of Ram
South: Street
iii. The trial Court in to identify the suit, appointed a local commissioner, however, the plaintiff failed to avail the same by not appearing before the said local commissioner.

2. The learned counsel representing the appellant submits that the defendants (respondents herein) are not disputing the sale deed in favour of the plaintiff. He submits that the defendants are claiming that the property purchased by the plaintiff is different from the suit property.
3. Hence, the suit should have been decreed.
4. This Court has considered the submissions of the learned counsel representing the parties.
5. As already noticed, the plaintiff has filed a suit with respect to 4 marlas plot bounded in the manner indicated above. He failed to prove his right, title or interest in the same.
6. Hence, no ground to interfere is made out.
7. Dismissed accordingly.
8. All the pending miscellaneous applications, if any, are also disposed of.

February 07th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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