

2024:PHHC:053040

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

RSA-951-2021 (O&M)
Date of decision: 18.04.2024

Satpal Singh

....Appellant

Versus

Virender Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Keshav Partap Singh, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's Regular Second Appeal against the concurrent findings of fact arrived at by the courts below while dismissing his suit for the grant of decree of declaration with a consequential relief of possession as also the mandatory injunction and permanent injunction. The plaintiff claims to have purchased the land measuring 1 bigha 12 biswas by virtue of a sale deed dated 22.10.1992, which is equivalent to 1600 sq.yards. The plaintiff claims that he has constructed his house and defendants have dispossessed him. The defendants contested the suit by claiming that a colony has been carved out and there was no plot of the size of 1600 sq. yards. At one stage, the suit was decreed by the trial court vide judgment dated 21.09.2012, however, the First Appellate Court remanded the case back to the trial court for fresh decision after getting entire property demarcated with the help of GPS based Theodolite. Ultimately, the court came to the conclusion that the plaintiff is in possession of 1000 sq. yards and the

plaintiff purchased the property in a planned and developed colony and there was no plot of 1600 sq. yards.

2. Learned counsel representing the appellant contends that the sale deed in favour of the appellant is of 1600 sq. yards and therefore, the courts have erred in declaring that the plaintiff is entitled to only 1000 sq. yards.

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. During the course of hearing, the learned counsel representing the appellant has also produced a copy of the lay out plan Ex.P-3/A. It is evident that not even a single plot of the size of 1600 sq. yards is part of the planned colony. Moreover, while carving out plots, some area has been left for laying out roads and streets. The plaintiff purchased the property when the colony had already been carved out. Each plot was assigned a separate numerical number. The sale deed in favour of the plaintiff is after the colony had been carved out. In the sale deed, the plots numbers have not been mentioned. If the plaintiff is declared owner of the property, he will atleast claim possession of four plots because behind the back of the plot measuring 1000 sq. Yards, there are plots measuring 200 sq. yards each. In other words, the plaintiff will have to be declared owner of as many as 4 plots which is not even specified in the sale deed. The plaintiff has also not shown as to how he purchased the property by referring to khasra number, particularly once the plot numbers were assigned in a developed colony.

Moreover, both the courts, on appreciation of evidence, have recorded concurrent findings of fact.

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

6. Hence, dismissed.

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

18.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE