

141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-311-2023 (O&M)

Date of decision: 30.01.2024

Radhey Shyam

....Appellant

Versus

Krishan Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sudhanshu Makkar, Advocate for the appellant

Mr. Mani Ram Verma, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by defendant no.1
2. In order to comprehend the issue involved in the present case, some relevant facts, in brief, are required to be noticed.
3. Sh.Ghanshyam son of Sh.Sheo Chand was owner of the land comprised in khasra no.595/5. He carved out seven plots out of it and each plot was assigned khasra no. 595/5/1 to 595/5/7. Out of which, he kept one plot for himself and gave away six plots of his six sons. Sh.Krishan Kumar s/o Sh.Ghansyam was allocated plot no.595/5/1, which was sold by a registered sale deed in favour of the plaintiff on 29.10.2003. However, Krishan Kumar and Radhey Shyam in collusion with each other encroached upon the plot. Hence, the plaintiff filed a suit for possession of the aforesaid plot. Defendant no.1, while contesting the suit, claimed that the aforesaid sale deed is a mere paper transaction.

4. Both the courts, on appreciation of evidence, have come to a conclusion that an effort has been made by the defendants to deprive the plaintiff of the property, who is a bonafide purchaser on payment of sale consideration and he cannot be deprived of the property.

5. Though, the learned counsel representing the appellant made sincere attempt, however, failed to draw the attention of the Court to any substantive mis-reading, non-reading or perversity in the judgments passed by the courts below.

6. Hence, dismissed.

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

30.01.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE