

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

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2024:PHHC:039872

**RSA-674-2021 (O&M)
Date of decision: 20.03.2024**

SANJIV KUMAR

..Appellant

Versus

AMAR SINGH AND ANR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravi Kumar Mishra, Advocate
for Mr. Karan Singla, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, defendant No.1 (appellant) assails the correctness of the concurrent findings of fact arrived at by the Courts below while decreeing the plaintiffs suit for possession of 75 square yard area out of House No.521. In substance, the plaintiffs purchased the property vide sale deed dated 08.06.2011 from Smt. Sunita Rani, who was owner of 1/4th share. It has come on record that in the previous round, between the brothers and sisters, compromise was arrived at and 75 square yard area including construction came to the share of Smt. Sunita. Smt. Sunita executed the sale deed in favour of the plaintiff, however, possession was not handed over that is how the suit was filed.

2. In this suit, Smt. Sunita admitted the execution of the sale deed, however, the remaining defendants including Sh. Sanjiv Kumar, brother of Smt. Sunita contested the suit. He denied the execution of the sale deed as well as the settlement arrived at between the brothers and the sisters.

3. Both the Courts upon appreciation of evidence came to conclusion that there was settlement between the brothers and sisters, in

which Smt. Sunita was allocated 75 square yard area plot by identifying as a separate property.

4. The learned counsel representing the appellants though made sincere attempt, however, failed to draw the attention of the Court to any substantive error in reading, misreading or non-reading of evidence or perversity in the conclusions arrived at by the Courts below.

5. Hence, no ground to interfere is made out.

6. Dismissed accordingly.

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

March 20th, 2024
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(ANIL KSHETARPAL)
JUDGE

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