



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

**RSA-2039-1989 (O&M)
Date of decision : 02.04.2025**

Sahib Singh and others

...Appellants

Vs.

Kashmir Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

I **Brief Facts:-**

1. The plaintiffs assail the correctness of the First Appellate Court's judgment which in turn has reversed that of the trial Court.
2. Originally, Sh. Boor Singh was the owner of the property. The plaintiffs are sons of Sh. Didar Singh son of Sh. Boor Singh, in other words, the plaintiffs are grandsons of Sh. Boor Singh. The plaintiffs claimed that Sh. Boor Singh gifted the property in their favour on 03.10.1969, and on 29.09.1969. Subsequently, Sh. Boor Singh died. The property was mutated in favour of Sh. Didar Singh, Sh. Kundan Singh and Sh. Piara Singh.
3. Sh. Didar Singh and Sh. Piara Singh executed various sale deeds in favour of defendants No. 1 and 2. Subsequently the plaintiffs filed the suit for declaration that they are co-owners of 14 kanals and 8 marlas land and defendants No. 1 and 2 have no right in the property. The trial Court decreed the suit, however, the First Appellate Court held that the defendants are *bona*



fide purchasers, who are not members of the family. In fact, Sh. Boor Singh was a big land owner. Due to his major landholdings he apprehended that proceedings for declaring his land surplus will be commenced as he held land beyond the ceiling limit. Hence, to avoid such declaration he executed gift deeds with respect to the surplus land. However, the entry was never made in the revenue record. Defendants No. 1 and 2 purchased the property from Didar Singh and Piara Singh through a registered sale deed after verifying the revenue record. Due diligence was exercised by the defendants. The plaintiffs were never recorded as owners of the property. Thus, the First Appellate Court found that defendants No. 1 and 2 are the *bonafide* purchasers of the property.

II Arguments addressed:-

4. Learned counsel representing the appellants submits that after the property was gifted in the year 1969 in favour of the plaintiffs, late Sh. Boor Singh was left with no right in gifted property. Hence, on the death of Sh. Boor Singh, no one amongst Didar Singh, Kundal Singh and Piara Singh would inherit any property.

III Analysis and Discussion:-

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

6. However, in this case the equity is not in favour of the appellants. It is appellant's father and uncle who have sold the property in favour of outsiders for valuable consideration.

7. Defendants No. 1 and 2 are proved to be *bonafide* purchasers of the suit property for valuable consideration because there was no entry in the



revenue record to prove that the property was gifted by Sh. Boor Singh in favour of the plaintiffs. Moreover, the gift was in between the family members, hence defendants were never informed about the gift deeds. The plaintiffs also failed to prove that their father or uncle acted against their interest.

8. Learned counsel representing the appellants relies upon the judgment passed in 'K Balakrishnan vs. K. Kamalam and others', 2004(1) SCC 581. He submits that there is no provision for revocation of the gift deed in favour of minor.

9. There is no dispute on the declaration of law as enunciated in the judgment. However, in the present case, there is a finding of fact arrived at by the First Appellate Court to the effect that the defendant No. 1 and 2 are *bona fide* purchasers for valuable consideration after due diligence.

IV Decision:-

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

11. Hence, the appeal is dismissed.

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

02.04.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No