



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

RSA-1508-2001 (O&M)

Date of decision : 01.04.2025

Shree Goshala Trust

...Appellant

Vs.

Smt. Anchai and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yagsimant Attri, Advocate for
Mr.Rajinder Goyal, Advocate
for the appellant.

Mr. V.P. Sangwan, Advocate
for respondent No.2.

Mr. Raman Mahajan, Advocate
for respondents No. 8 to 19.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing its suit for grant of decree of declaration that it is the owner in possession of the suit land.
2. In substance, Sh. Ranjeet Singh son of Sh. Hari Singh was owner of the suit property. By virtue of a Court decree dated 07.04.1972, Sh. Ashok Kumar and Sh. Suresh Kumar, grandsons of Sh.Ranjeet Singh were declared the owner of the suit property. The decree was reflected in the revenue record and Sh. Ranjeet Singh was no longer reflected as owner. However, the plaintiff purchased the property by virtue of two sale deeds dated 12.04.1977 and 04.11.1977 from Sh. Ranjeet Singh, who was no longer the owner. Thus, both the Courts below dismissed the plaintiff's suit on the ground that Sh. Ranjeet



Singh was not the owner of the property, hence, he could not transfer any title in favour the plaintiff.

3. Learned counsel representing the appellant submits that the Courts below have erred in dismissing the suit because the plaintiff is a *bona fide* purchaser.

4. This Court has considered the submissions made by the learned counsel representing the parties but find no merit therein.

5. Thereafter, the plaintiff was required to inquire about the title of its vendor before purchasing the property. Admittedly, it was Sh. Ashok Kumar and Sh. Suresh Kumar who were recorded as owners in possession of the property in the revenue record. Hence, the plaintiff cannot claim to be *bona fide* purchaser.

6. The Supreme Court in 'Hardev Singh vs. Gurmail Singh (dead) by LRs (2007) 2 SCC, 404', has explained the ingredients of Section 41 of the Transfer of Property Act, which reads as under:-

- (1) the vendor should be an ostensible owner.
- (2) the sale is for valuable consideration.
- (3) he is so by express or implied consent of the actual owner is projected as an owner.
- (4) the transferee has taken reasonable care to ascertain the title of his vendor.

7. It is evident that in the year 1977, Sh. Ranjeet Singh was neither reflected as owner in the revenue record nor there is any representation by Sh. Ashok Kumar and Sh. Suresh Kumar acknowledging that Sh. Ranjeet

Singh is the owner of the property.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.
9. Hence, the appeal is dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

01.04.2025
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(ANIL KSHETARPAL)
JUDGE

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