



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

RSA-862-2017 (O&M)
Date of Order:20.01.2025

RAJBIR VASHISHT AND ANR**.Appellants****Versus****SMT. RITA SINGH AND ORS****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Shiv Kumar, Advocate
for the appellants.**

ANIL KSHETARPAL, JUDGE (Oral)

1. In this Regular Second Appeal, the plaintiffs pray for setting aside the concurrent findings of fact arrived at by the courts below while declaring the plaintiffs to be owner in possession of ½ share of suit property.
2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.
3. Defendant no.1 to 4 were the co-owners in the suit property measuring 4 kanals 15 marlas. The plaintiffs claim that defendant no.1 orally agreed to sell the property in favour of the plaintiffs for a total sale consideration of Rs.5,90,000/- on 19.01.1996. A sum of Rs.1,00,000/- each was paid by the vendors and physical possession of the property was delivered to the plaintiffs. In the meantime, the plaintiffs constructed boundary wall and got installed the electricity connection and a saw machine. Sh. Satender Singh expired on 21.08.1998, leaving behind defendant no.2 to 4. After obtaining permission from the court on behalf of



defendant no.4, defendant nos.2 to 4, executed sale deed no.10227, on 09.12.2004, with respect to their ½ share in the suit property. The plaintiffs claim that pursuant to oral agreement with Sh. Satender Singh, defendant no.1, namely, Smt. Rita Singh has no right and the plaintiffs are entitled to decree of declaration.

4. Both the courts have concurrently held that the plaintiffs failed to prove any agreement to sell with Smt. Rita Singh.

5. Oral evidence led by the plaintiffs has already been appreciated while taking plausible view. This court in exercise of power under Section 41 of the Punjab Courts Act, does not find it appropriate to interfere particularly when attention of the court has not been drawn to any non-reading evidence or any material irregularity in appreciating the evidence.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 20, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No