



In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 1216 of 2019(O&M)

Surinder Mohan Arora

... Appellant(s)

Versus

Amit Uppal and Others

... Respondent(s)

AND

2. Regular Second Appeal No. 1973 of 2019(O&M)

Surinder Mohan Arora

... Appellant(s)

Versus

Amritsar Improvement Trust, Amritsar and Others

... Respondent(s)

DATE OF DECISION: 05.02.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kanwar Abhay Singh, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-2907-C-2019 IN RSA-1216-2019

1. For the reasons stated in the application, the same is allowed and delay of 17 days in filing the appeal is condoned.

CM-5350-C-2019 IN RSA-1973-2019

2. For the reasons stated in the application, the same is allowed and delay of 15 days in filing the appeal is condoned.

RSA-1216-2019 And RSA-1973-2019

I. Factual Background

3.1 The Regular Second Appeal in the States of Punjab, Haryana

and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

4. With the consent of the learned counsel representing the appellant, two connected regular second appeals i.e. RSA-1216-2019 and RSA-1973-2019 shall stand disposed of by this order.

5. In both the appeals, the appellant filed two separate suits. One suit was for the grant of decree of declaration to the effect that he is owner in possession of the property bearing khasra No. 613 min measuring 70.68 square yards, khasra No. 617 min measuring 374.05 square yards and khasra No. 618 min measuring 148.65 square yards, whereas in another suit, the plaintiff claims the relief of mandatory injunction directing the defendants to allot him a strip of land measuring 217.5 square yards forming a part of khasra No. 618 and 613 at a reserved price.

6. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed. The Amritsar Improvement Trust (hereinafter referred to as “the Trust”) developed the area for carving out the plots. Rajinder Kaur was allotted a plot No. 278 measuring 350 square yards which was subsequently purchased by the plaintiff on 13.09.1972. The plaintiff claims that the Trust passed a resolution to sell/transfer the adjoining vacant land to the plot holders which do not have any independent access and he deposited ₹500/- vide receipt dated 17.06.1974, however, the Trust has not transferred the adjoining land in his favour.

7. The Trust, while contesting both the suits, claims that the land comprised in khasra Nos. 613 min and 618 min, does not belong to it. Upon appreciation of the evidence, both the Courts below dismissed both the suits filed by the plaintiff.

II. Arguments put forth by the learned counsel representing the parties.

8. Heard the learned counsel representing the appellant, at length and with his able assistance, perused the paper-book.

9. The learned counsel representing the appellant submits that the building plan of the plaintiff was sanctioned with respect to the plot measuring 593.38 square yards and the appellant had paid ₹500/-. Hence, a direction was required to be issued to the Trust to sell out that portion to the plaintiff.

III. Analysis and Discussion

10. This Court has considered the submissions of the learned counsel representing the appellant.

11. It would be noticed here that Amit Uppal and Vinay Uppal have claimed the property comprised in khasra Nos. 613 min and 618 min by virtue of sale deed executed in their favour by Rajinder Kaur. The plaintiff has failed to prove that the suit property comprised in khasra Nos. 613 min and 618 min was ever owned and managed by the Trust. Moreover, the receipt of ₹500/- does not either refer to the parcels of land comprised in khasra Nos. 613 min and 618 min nor it is mentioned that there is an agreement to sell between the parties. In these circumstances, mere sanctioning of building plan would not clothe the appellant with any right to

claim the property.

IV. Decision

12. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

13. The miscellaneous application(s) pending, if any, in both the appeals shall stand disposed of.

**(Anil Kshetarpal)
Judge**

February 05, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No