



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA-5454-2018 (O&M)

Date of Decision.:03.03.2025

Sumer Singh

.....Appellant

Vs.

Geeta

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mukesh Yadav, Advocate
for the appellant.

DEEPAK GUPTA, J. (ORAL)

This is defendant's appeal against concurrent findings of the Courts below. According to plaintiff Geeta (*respondent herein*), she purchased 6 Kanal of land being 120/1231 share out of the total land 61 Kanal 11 Marla detailed in the plaint, from defendant vide sale deed No.617 dated 01.07.2011 for consideration of ₹9,00,000/-. Plaintiff being rustic and illiterate lady, later came to know that share in the sale deed had been wrongly mentioned as 120/6131 share, instead of 120/1231 share, when she approached Patwari for the purpose of entry of mutation. She prayed for rectification in the sale deed and sought declaration that she is owner of the suit property i.e. 120/1231 share. Defendant contested the suit on the ground that though the agreement to sell was executed for 6 Kanal of land but sale deed was executed only for 1 Kanal 6 Marla of land for lesser consideration.

2. After framing necessary issues and taking evidence produced by the parties, the trial Court decreed the suit on 16.01.2015 and in the appeal filed by the defendant, the Appellate Court affirmed the finding vide judgment dated 01.03.2018.



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3. Assailing the aforesaid findings, it is contended by learned counsel that both the Courts below failed to appreciate the evidence in right perspective.

4. However after going through the impugned judgments, this Court does not find any merit in the appeal. It is noticed by the Courts below that in agreement to sell Ex.DW2 and sale deed Ex.PW1/B, area of sold land was 6 Kanal being 120/1231 share, which were well proved on record. It was noticed further that in the sale deed Ex.PW1/B, as many as at four places, it was clearly mentioned that subject-matter of land being sold was 6 Kanal. This fact was also supported by the certificate given by the Sub-Registrar, Kanina on the backside of the sale deed. Not only this, the two attesting witnesses i.e. PW-1 Bhim Singh as well as PW-3 Gajraj Singh supported the case of the plaintiff to this effect that 120/1231 share in the land was sold by the defendant. Defendant failed to produce any evidence that he was paid lesser consideration and so, only 120/6131 share was sold.

5. In view of the aforesaid findings of facts, which are found to be based upon proper appreciation of evidence on record, this Court does not find any reason to interfere in the same, as there is neither any illegality nor any perversity in appraising the evidence on record. Consequently, holding the present appeal to be devoid of any merit, same is hereby dismissed.

**(DEEPAK GUPTA)
JUDGE**

March 03, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No