

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 62 of 2025

Parwati Developers through its partner, namely, Rajesh Bhalla
... .. **Plaintiff/Appellant**

Versus

Prem Minj and Ors. **Defendants/Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr. Rahul Kumar Gupta, Advocate
: Ms. Swati Singh, Advocate

For Private Respondents : Mr. Vishal Kumar Rai, Advocate

For the Resp. no. 5- State: Mr. Kanishka Deo, AC to GP-IV

11/08.10.2025

Learned counsel for the parties are present.

2. Learned counsel for the appellant has referred to the evidence of the witnesses led on behalf of both the parties and has submitted that there is consistent evidence on behalf of the plaintiff who led three witnesses that the plaintiff has the title as well as possession with respect to the suit property. In particular, so far as the possession is concerned, the learned counsel for the appellant has referred to the evidence of P.W. 1 who is one of the partners in the plaintiff – company and the learned counsel has referred to paragraphs 3, 6, 9, 12, 13, 16, 19 and 20 of his evidence. The learned counsel has submitted that during cross-examination of P.W. 1, there has been suggestion in connection with possession, but the witness has sustained during cross-examination and has fully supported the case of the plaintiff with respect to possession.

3. The learned counsel further submits that P.W. 2 and P.W. 3 both are neighbours to the suit property and they have also fully supported the claim for possession of the plaintiff . The paragraphs of the deposition of P.W. 2 which have been referred during the course of hearing are paragraphs 4, 5, 7, 8, 23 and 24. With respect to evidence of P.W. 3, the paragraphs referred are paragraphs 1, 2, 7, 10, 11, 12, 14, 17, 19, 20, 38 and 39.

4. The learned counsel has submitted that P.W. 3 is also a witness to the sale-deed of the year 2016 which was executed in favour of the plaintiff on the basis of which the plaintiff is claiming title and possession with respect to the suit property.

5. The learned counsel has also submitted that it is not in dispute that the property is a vacant land and the plaintiff is claiming title by virtue of registered sale-deeds, the initial sale deed was executed way back in the year 1921 by the recorded tenant whereas, the defendants are claiming title by stating that they have purchased the property through the descendants of the recorded tenant and the initial sale-deed in favour of the defendants is of the year 1958.

6. Learned counsel for the appellant has referred to section 48 of the Transfer of Property Act, 1882 and has submitted that once the property was already transferred by registered sale-deed way back in the year 1921 by the recorded tenant, the descendants of the recorded tenant had completely lost title over the property and therefore, subsequent sale-deeds executed by the descendants of the recorded tenant are of no consequence and do not confer any valid title in favour of the defendants. He submits that since the vendor of the defendants did not have the title, therefore, the defendants did not acquire any title over the suit property.

7. While referring to the evidence of the defendants, the learned counsel for the appellant has submitted that all the three defendants have been examined as witnesses. D.W. 1 is defendant no. 3, D.W. 2 is defendant no. 1 and D.W. 3 is defendant no. 2.

8. With respect to evidence of D.W. 1, the learned counsel for the appellant has referred to cross-examination of D.W. 1 (paragraphs 11, 13, 14 and 20) to submit that it stood admitted that the plaintiffs/their predecessor-in-interest were in possession of the suit property. With respect to evidence of D.W. 2, he has referred to paragraphs 13, 15, 19, 20, 21, 24 and 25 and has submitted that similar is the situation with respect to the cross-examination of D.W. 2. With respect to evidence of D.W. 3, the learned counsel has referred to paragraphs 15, 20, 25 and 26 of his evidence and submitted that the cross-

examination also reveals that it stood admitted that the plaintiffs/their predecessor-in-interest are in possession of the suit property.

9. The learned counsel for the appellant submits that there is enough evidence on record to hold that the plaintiffs have title as well as possession with respect to the suit property. He submits that the while considering the point of possession, though the evidences have been mentioned by the learned trial court in the body of the judgment, but there is no discussion of the oral evidences in the findings recorded by the learned trial court while holding that the plaintiff is not in possession of the suit property and otherwise also, there is no discussion or finding as to why the oral evidences led by the plaintiff and the defendants were to be disbelieved.

10. Post this case tomorrow i.e., on 09th October 2025 for further hearing .

(Anubha Rawat Choudhary, J.)

Pankaj