

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 232 OF 2003

MANIKCHAND (D) BY LRS. ... APPELLANT(S)

VERSUS

PYARU & ANR. (BOTH DEAD) BY LRS....RESPONDENT(S)

O R D E R

Defendants are the appellants before us.

Plaintiffs-respondents herein filed a suit for declaration and permanent injunction. It was dismissed by the trial court. On appeal by the plaintiffs, the lower appellate court decreed the suit. This has been affirmed by the High Court in second appeal.

We have heard Mr. Sunil Gupta, learned Senior Counsel for the appellant, while the respondents are represented by Mr. T.R. Andhyarujina, learned Senior Counsel.

While assailing the impugned judgment and decree, Mr. Gupta has made several submissions. We have perused the record. On appreciation of evidence, the High Court has found that the defendants' predecessor-in-interest was a

moneylender and the Sale Deed dated 17.07.1954

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was, in fact, a Mortgage Deed. Further, the plaintiffs are in possession of the property even after the execution of the alleged sale deed. We are of the opinion that the finding recorded by the lower appellate court as affirmed by the High Court is on appreciation of evidence.

In the face of it, the judgment and decree impugned do not call for our interference in the

present appeal.

In the result, we do not find any merit in this appeal and it is dismissed, accordingly, but without any order as to costs.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(PINAKI CHANDRA GHOSE)

New Delhi;
April 9, 2014

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ITEM NO.101 (PH)

COURT NO.9

SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 232 OF 2003

MANICKCHAND (D) BY LRS.

Appellant (s)

VERSUS

PYARU & ANR.(BOTH DEAD) BY LRS.

Respondent(s)

Date: 09/04/2014

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Appellant(s)

Mr. Sunil Gupta, Sr. Adv.
Mr. Chandrashekhar G.V., Adv.
Ms. Anjana Chandrashekar, Adv.

For Respondent(s)

Mr. T.R. Andhayarujina, Sr. Adv.
Mr. G.L. Vishwanath, Adv.
Mr. Naveen Chawla, Adv.
Ms. Manjula Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(S.K. Rakheja)
Court Master
(Signed order is placed on the file)

(Indu Satija)
Assistant Registrar