| DATE | ORDER WITH SIGNATURE OF JUDGE |
|---|---|

20.05.2022

For orders on office objection
For orders on MA 2117/20
For hearing of main case

Mr. Aqeel Ahmed Siddiqi, Advocate for applicants

Impugned in this Revision Application is an order dated 14.11.2020 passed in C.A. No. 69 of 2019. The litigation commenced when the suit for declaration, recovery of Rs.25,00,000/- and injunction was filed by the applicants. It is claimed that their father entered into an exchange deal of two reciprocal properties and in response thereto possession of one of the property was handed over to respondent whereas respondent's father failed to perform his part of the exchange deal; applicants' suit however, was neither for the performance nor for possession of above property but it was for the recovery of Rs.25,00,000/-. It is nowhere established that the applicant has ever sold the property or handed over possession in favour of the respondent or their predecessor for a consideration of Rs.25,00,000/-. If at all it was an exchange deal and applicant claimed to have performed their part, they ought to have filed suit to perform counter part of oral agreement subject to its proof. The Applicants or their predecessor have not registered any deed in favour of the respondents though respondents are in possession of the said premises. Similarly there is no impartial evidence available that even for such possession a consideration of Rs.25,00,000/- was agreed which is unpaid. The applicants have failed to prove the contents of the suit that the respondents were responsible for the payment of Rs.25,00,000/- or any amount in this regard. If at all they seek a declaration in respect of the property in possession of the respondent they ought to have filed a suit for possession along with declaration. There is nothing which could enable me to interfere with the findings of the appellate court and consequently this Revision Application is dismissed.

JUDGE