

**In The Court Of Jitender Singh, Civil Judge
(Junior Division), Dabwali.**

CNR No.HRSIA0000003-2018

CS No.2 of 2018

Civil Suit No.1 of 2018

Date of Inst.:02.01.2018

Date of Award:**07.02.2018**

Sushil Kumar son of Diwan Chand son of Sita Ram, resident of Ward No.13, Kalanwali, Tehsil Kalanwali, District Sirsa.

..Plaintiff

Versus

1. Lakhwinder Singh;

2. Rajinder Singh @ Kaka Singh son of Jagraj Singh son of Kartar Singh; both residents of village Desu Malkana, Tehsil & District Sirsa.

...Defendants

Suit For Declaration

Present: Shri S.S. Brar, Advocate for plaintiff.

Shri Y.K. Sharma, Advocate for defendants.

AWARD:-

The plaintiff has filed the present suit for declaration against the defendants to the effect that plaintiff and defendants are owners in possession of land as detailed and described in the head note of the plaint, situated at Kalanwali, Tehsil Kalanwali, District Sirsa and (Dabwali to Kalanwali Road), Tehsil Dabwali, District Sirsa, respectively by way of exchange but the relevant record is contrary to the spot position and liable to be corrected accordingly.

2. On the other hand, the defendants appeared and filed written statement admitting the claim of the plaintiff. Statements of the parties were recorded separately. Ex.C-1 Memo of exchange, Ex.P1 jamabandi for the year 2012-13, Ex.P2 jamabandi for the year 2012-13 and Mark A copy of sale deed No.1399 dated 30.3.1982 were placed on record by the parties to the suit.

3. Heard. Section 118 of Transfer of property Act 1882 has not been extended to the State of Haryana and therefore, exchange

relating to immovable property of value of more than Rs. 100/- need not be effected by registered document and oral exchange of immovable property of the value of more than 100/- is permissible. Reference in this regard may be placed on the judicial precedents titled as **Harjit Singh Vs. Gulzara Singh, 1973 PLJ 329, Sewa Singh Vs. Joginder Singh and Others 1986 PLJ 113 and Sona Ram Vs. Mulakh Raj 1999 (1) PLJ 165.** in these judicial precedents it was held by the Hon'ble Punjab & Haryana High Court that the oral exchange of suit property with the delivery of possession of any value between the parties must be held to be valid. The present case for oral exchange of land in dispute is approximate of equal area/ value. The parties are not at issue on any question of fact or law. Hence, the award is hereby passed and claim of the plaintiff is allowed as prayed for, subject to all just encumbrances. **The present decree shall have no effect on the unclaimed legal right of 3rd party, or anything concealed from the court.** The award shall be binding between the parties to the suit. The plaint and memorandum of exchange Ex. C-1 shall be treated as part and parcel of the award. File be consigned to the record room after due compliance.

Announced in
Daily Lok Adalat
Dt.07.02.2018

(JITENDER SINGH)
Civil Judge (Jr. Divn.)
Presiding Officer,
Lok Adalat, Dabwali.
UID No.HR0333

Note: Both pages of this award have been signed by me.

(JITENDER SINGH),
Civil Judge, (Jr. Divn.),
Presiding Officer,
Lok Adalat, Dabwali.
UID No.HR0333

Present: Shri S.S. Brar, Advocate for plaintiff.
Shri Y.K. Sharma, Advocate for defendants.

File taken up today in Daily Lok Adalat. Heard. Vide separate award of even date, claim of the plaintiff has been allowed as prayed for. The award shall be binding between the parties to the suit. The plaint and memorandum of Exchange Ex.C-1 shall be treated as part and parcel of the award. File be consigned to records after due compliance.

Announced in
Daily Lok Adalat
Dt.07.02.2018

(JITENDER SINGH)
Civil Judge (Jr. Divn.)
Presiding Officer,
Lok Adalat, Dabwali.
UID No.HR0333