

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

R.S.A. No.1144 of 2010 (O&M)

Date of decision: 27.4.2015

Gordhan

... Appellant

Versus

Bala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sanjay Verma, Advocate
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The challenge to the sale deed dated 5.3.1976 by the vendor Sobha Chand was brought in 1998 pleading fraud in the making of the sale deed. The plaintiff died during the pendency of the suit and before his testimony could be recorded and his sons were impleaded as legal representatives to press and maintain the suit as they prayed that the cause of action had not abated. In their statements before the Court, the sons pleaded that father had sold half the land without legal necessity and that he was not of sound disposing mind at the time of the sale deed and a fraud was played upon him and that he in fact intended to mortgage the land and the vendees had wrangled a sale deed in their favour. No evidence was placed on record to prove that the father was not of sound disposing mind or

suffered from mental infirmity which curtailed his reason and to act in his own interest and in the interest of the family. The bald statements of the sons appear not to be sufficient to undo the sale deed and particularly when the limitation for challenging the sale deed had long run out when the suit was brought 23 years after execution of the sale deed. This was clearly an afterthought by the father and this plea has not been rightly accepted by the both the Courts below. The appellant is faced with concurrent findings of fact which are not liable to be interfered with in exercise of jurisdiction under Section 100 of the Code of Civil Procedure. No question of law arises in this appeal much less substantial one.

Accordingly, the appeal fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

April 27, 2015
Paritosh Kumar