

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No. 3920 of 2013

Date of decision: 11.08.2015

Chanan Singh

...APPELLANT

VS.

Darshan Kaur

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Jain, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This appeal has been preferred against the concurrent findings recorded by the Courts below in the suit of the appellant-plaintiff filed for declaration to the effect that the house, details of which were mentioned in the head note of the suit, was in his ownership and the defendant had no right, title or interest in it and had no right to alienate the same. The injunction was also prayed for, for restraining the defendant from alienating the house in question.

It is the contention of the counsel for the appellant that once the defendant-respondent has asserted that she had bought the house out of her own source of income, which consideration was ₹ 30,000/- in the year 1985 when the property was bought. The onus was on the defendant-respondent to prove the same on the basis of some documentary evidence. The sale deed although in the name of respondent-defendant and having been financed by the appellant-plaintiff was, as a matter of fact and concerning

the ownership of the appellant-plaintiff and, therefore, the suit was required to be decreed. He contends that the findings recorded by the Courts below, therefore, cannot be sustained.

I have considered the submissions made by the counsel for appellant and have gone through the records of the Courts below.

As per the statements, which are not disputed by the counsel for the appellant-plaintiff, the respondent-defendant was working as ANM with the Health Department, Government of Punjab since 1971 and was getting a starting salary of ₹ 500/600/- per month. She had been working for a period of 13 years prior to the date when the property was bought i.e. 15.03.1985. In the statement given by the respondent-defendant as DW1, she stated that she was earning an amount of ₹ 10,000/- per month at the time when the property in dispute was purchased.

Nothing has been brought on record to suggest otherwise and even in the cross-examination, nothing has come which would indicate that she was not earning the said amount. It can, therefore, be safely concluded that she had the capacity to collect ₹ 30,000/-, the amount of sale consideration for the property in question.

In the light of the concurrent findings recorded by the Courts below, this Court is not inclined to interfere in the present appeal especially when there is no substantial question of law involved in the same.

The appeal, therefore, stands dismissed.

August 11, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE