

126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1060-2015 (O&M)
Date of Decision: 28.09.2015

MOHAN LAL

.....Appellant

Vs

RAVINDER SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurcharan Dass, Advocate
for the appellant.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Defendant is in second appeal against judgment and decree dated 10.09.2014 passed by District Judge, Rupnagar vide which judgment and decree dated 25.03.2013 passed by Addl. Civil Judge (Sr. Divn.) Rupnagar in a suit for permanent injunction has been upheld.

[2]. Khasra No.3541 was purchased by the plaintiff from the defendant vide sale deed dated 28.12.2007. At the time of purchase, since, defendant was in possession of the suit land, therefore 4/5 months' time was given to him to shift from the property in question.

[3]. Defendant did not move out. Plaintiff filed ejectment petition against the defendant. The same is stated to be pending.

[4]. Municipal record in terms of house assessment is in the name of plaintiff as the same were duly incorporated in pursuance of

sale deed executed in favour of the plaintiff.

[5]. Suit for permanent injunction was filed to the effect that defendant intends to change nature of the shop and wants to carry out material alterations without consent of the plaintiff.

[6]. The suit was contested by the defendant on all customary pleas including plea of fraud. Execution of sale deed was proved on record. The onus to prove the plea of fraud was on the defendant, but he did not lead any evidence to corroborate plea of fraud in execution of sale deed dated 28.12.2007.

[7]. The sole testimony of defendant Mohan Lal was held not be sufficient for proving plea of fraud which has to be pleaded and proved with reference to evidence on record.

[8]. Defendant has failed to lead cogent evidence to establish fraud in the context of execution of sale deed. Particulars of fraud even though pleaded in the written statement, but the same could not be substantiated by way of leading cogent evidence on record. Even the statement of defendant while appearing as DW-1 has different connotation and is proved to be self-contradictory statement.

[9]. No law point worth consideration is involved in this case.

[10]. Consequently, this appeal is dismissed.

Sept. 28, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE