

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

110

Regular Second Appeal No.3744 of 2015 (O&M)
Date of Decision: October 14, 2015

Leela Devi

...Appellant

Versus

Raman Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kehar Singh Hissowal, Advocate
for the applicant-appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.9189-C of 2015

Prayer in this application is for condonation of delay of 29 days
in filing the appeal.

For the reasons mentioned in the application, which is duly
supported by the affidavit of the applicant-appellant, the present application
is allowed.

Delay of 29 days in filing the appeal stands condoned.

RSA No.3744 of 2015

Challenge in this appeal is to the judgment and decree passed
by the Civil Judge (Junior Division), Panchkula, dated 30.01.2014, by
which the suit for declaration to the effect that chakotanama bearing No.42
dated 02.05.2003 executed by the appellant-plaintiff in favour of the
respondents-defendants in respect of land measuring 9 kanals and 13
marlas, details of which have been mentioned in the head note, situated at
village Raipur Rani, Tehsil and District Panchkula, is wrong, illegal, null
and void, *ab initio*, as it is a creation of fraud and misrepresentaion, stands
dismissed, against which appeal preferred by the appellant-plaintiff has also

been dismissed by the District Judge, Panchkula, on 06.04.2015.

2. It is the contention of the learned counsel for the appellant-plaintiff that the chakotanama bearing No.42 dated 02.05.2003 was entered into between the parties for a period of seven years only. The respondents-defendants have changed it to 20 years and, therefore, the said chakotanama is not binding upon the appellant-plaintiff and the same cannot be relied upon by the respondents-defendants to continue in possession of the land in question, specially when the lease period of seven years has expired.

3. This contention of the learned counsel for the appellant-plaintiff cannot be accepted as the said chakotanama is a registered document, which bears the signatures of the appellant-plaintiff, which fact is not disputed by her in her cross-examination. The assertion with regard to a fraud having been played upon the appellant-plaintiff has also not been proved before the Courts below as there is no evidence in support thereof except for her bald statement.

4. On the other hand, the respondents-defendants have been able to prove by leading cogent evidence the due execution of the impugned chakotanama bearing No.42 dated 02.05.2003 which mentions the lease period as 20 years.

5. A perusal of the judgments and decree passed by the Courts below shows that both the Courts have returned concurrent findings after rightly appreciating the pleadings and the evidence, which has been led by the parties and the conclusions drawn on the basis thereof, are also correct and the same cannot be interfered with as there is no perversity or illegality in the same.

6. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

7. In the light of the dismissal of the appeal itself, the application for stay i.e. CM No.9190-C of 2015 stands disposed of as infructuous.

October 14, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**