

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

**R.S.A.No.400 of 2015 (O&M)**

**Date of Decision: September 21, 2015**

**Rajesh Kumar alias Rajinder Kumar**

**...Appellant**

**Versus**

**Baldev Singh**

**...Respondent**

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

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?

**Present: Ms.Kiran Verma, Advocate,  
for the appellant.**

**\*\*\*\*\***

**AMIT RAWAL, J. (Oral)**

The challenge in the present Regular Second Appeal is against the concurrent findings rendered by both the Courts below, whereby the suit for declaration without giving the particulars of the sale deed, has been dismissed.

Ms.Kiran Verma, learned counsel appearing on behalf of the appellant submits that the declaration was sought with regard to the ownership of land measuring 19 marlas owned by Parkash Kaur, who is none else but his mother.

The plaintiff along with his brother had inherited the property left behind by Parkash Kaur. Parkash Kaur neither sold the land nor details of which were known to her. Both the Courts below have not noticed the

aforementioned facts and rendered erroneous and perverse findings.

I have heard the learned counsel for the appellant-plaintiff and appraised the paper book.

The defendant in the written statement came out with a specific stand that sale deed dated 15.9.2006 had been executed by Parkash Kaur in his favour. Despite the same, the plaintiff did not seek amendment of the plaint for challenging the aforementioned sale deed. The sale deed has been proved through the testimony of marginal witness.

The appellant-plaintiff has not been able to even prove the ingredients of Order 6 Rule 4 CPC to show that some fraud or misrepresentation was placed upon Parkash Kaur. In the absence of any such evidence, the trial Court dismissed the suit and the appeal was also dismissed by the Lower Appellate Court.

I do not find any illegality and perversity in the impugned judgments and decrees of both the Courts below. No substantial question of law arises for determination.

The appeal is accordingly dismissed.

**September 21, 2015**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**