

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

-.-

RSA No.1940 of 2014

Decided on : January 13, 2015

Amarti and another

... Appellants

Versus

Subhash and others

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Gaurav Jain, Advocate, for the appellants.

Mahavir S. Chauhan, J. (Oral)

Challenge in this Regular Second Appeal is to the judgment/decreed dated 01.08.2012 of learned Additional District Judge Fatehabad, whereby appeal brought by the present appellants to challenge judgment/decreed dated 30.11.2009 of learned Additional Civil Senior Division Tohana ('trial court' for short) has been dismissed and the findings recorded by the learned trial Court have been affirmed.

I have heard learned counsel for the appellants on merits, even though the appeal is barred by time.

It is argued by learned counsel for the appellants that the sale deed Ex.D1 is the outcome of fraud played upon appellant Amarti and no consideration was passed. However, it comes out from the record that

execution of sale deed Ex.D1 has been proved by two attesting witnesses thereof namely Rajender Parshad-Lamberdar and Neki Ram, as DW2 and DW3 respectively while DW1 Raj Kumar has also proved passing of consideration thereunder. No evidence showing fraud is coming forthwith even though in a case involving allegation of fraud, the circumstances of fraud have to be pleaded and proved beyond all doubts.

In view of the above, I am not inclined to interfere with the pure and concurrent findings of fact recorded by the Courts below, more so, because the appeal is not shown to involve any question of law, much less a substantial one.

Dismissed.

[Mahavir S. Chauhan]
Judge

13.01.2015
anju rani