

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

Regular Second Appeal No.3610 of 2014 (O&M)
Date of decision:09.10.2015

Balkar Singh ... Appellant

versus

Suhail Singh Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashish Aggarwal, 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 ?

K.Kannan, J. (Oral)

CM No.12605-C of 2015

For the reasons stated in the application, the same is allowed and the appeal is restored to file and taken up for hearing today itself.

CM No.8375-C of 2014

For the reasons stated in the application, delay in filing the appeal is condoned.

Application stands disposed of.

Regular Second Appeal No.3610 of 2014

1. The defendant, who has suffered a decree for declaration and permanent injunction, is the appellant before this court. The

plaintiff's contention was that he had purchased the property from the defendant on 29.01.2009 and a sale deed was drawn up on that day for a consideration of ₹ 90,000/-. The defendant did not deliver possession of the plot in dispute at the time of execution of sale and when the plaintiff started demanding that the defendant must deliver possession, he was putting up the matter on one pretext or the other. The suit came to be instituted at the time when the plaintiff felt threatened that the defendant may alienate the property and change the nature of succession of plot in dispute. The contention was that the sale deed was not true and it was forged and fabricated.

2. On the issue relating to whether the sale deed was true and a consideration of ₹ 90,000/- had been passed, the plaintiff examined a witness from the Registrar's office as PW2, Deed Writer as PW4 and a witness as PW3. The plaintiff also relied on copies of jamabandi and mutation made by the revenue authority pursuant to the same. Considering the evidence given by the plaintiff and his witness, the court found that the sale deed was true and the plea of forgery was not true. Consequent to the finding that the sale deed was true, the plaintiff obtained declaration. The judgment was also confirmed in appeal. The case has stood purely on a consideration of a validity of the sale deed with reference to the documents of sale, revenue entries and oral evidence given by the parties associated with the sale, namely, the scribe and the witnesses. There is nothing

brought out in appeal for modifying the findings. There involves no substantial question of law for consideration. The second appeal is dismissed as devoid of merits.

(K.KANNAN)
JUDGE

09.10.2015
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