

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.547 of 2014 (O&M)
Date of Decision.10.09.2015

Chaman Lal and others

.....Appellants

Versus

Pritam Chand and others

.....Respondents

Present: Mr. Amandeep Singh Manaise, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

C.M. No.1317-C of 2014

For the reasons stated in the application, permission for making good the deficiency of court fee is granted.

Application is allowed.

RSA No.547 of 2014

1. The plaintiff was the father who sued against his son for a prayer that the sale made by him on 22.4.2003 in favour of his son was vitiated by fraud and for declaration that he was owner of the property which is covered under the sale deed.
2. The plaintiff's contention was that he had only informed his son that he will make an equal distribution of property among all of his sons but the defendant fraudulently obtained sale in his own favour. The sale deed made a recital of consideration of ₹ 92,000/- and the defendant gave evidence to the effect that such consideration had been

actually paid to the father. It was also brought in evidence that this was not only the property which the father had for equal distribution but he had other properties and there was evidence also that the father had effectedd sales in favour of other sons. The Court declined to believe that the father did not know what he was executing and looking at his own past conduct of making sales in other sons found no vitiating factor against the sale to render it invalid or to cause it to be set aside.

3. I find that the Courts below have examined the past attendant circumstances on the sale and the evidence and have come to the correct conclusion which is essentially appreciation of question of fact that would require no reappraisal at the second appeal. The second appeal is dismissed as involving no substantial question of law for consideration.

(K. KANNAN)
JUDGE

September 10, 2015
Pankaj*