

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

RSA No.6197 of 2014 (O&M)

Date of Decision: 22.04.2015

Aman Kaur (deceased) through LR Jagdish LalAppellant
Versus
Gurmeet Kaur (deceased) through LRsRespondents

RSA No.3787 of 2014 (O&M)

Jagdish LalAppellant
Versus
ParamjitRespondent

RSA No.4074 of 2014 (O&M)

Jagdish LalAppellant
Versus
ParamjitRespondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. G.S.Jaswal, Advocate,
for appellant.

SHEKHER DHAWAN, J

The present Regular Second Appeals filed by plaintiff-appellant against concurrent findings recorded by the Courts below whereby suit filed by plaintiff was dismissed and appeal filed by plaintiff was also dismissed.

2. For the sake of convenience, the parties are being referred to as per their status before Court of first instance.

3. Detailed facts of the case have already been recapitulated in the judgments of Courts below for the purpose of decision of present regular second appeal. Relevant facts are that plaintiff filed suit for declaration that registered sale deed dated 25.03.1996 executed by the deceased husband of the plaintiff is not binding upon the plaintiff and sale deed is null and void having been executed by the deceased husband in a secret and clandestine manner to destroy her pre-existing reversionary rights.

4. Defendant contested the suit thereby taking the plea that Dalip Chand died on 24.07.1996 and he was living deserted life for the last 20 years and plaintiff was having no concern whatsoever with the plaintiff. More so Dalip Chand was living with his son Paramjit whereas plaintiff was living with her son who is teacher and have declared 'BEDAKHAL" by the deceased Dalip Chand during his life time. The revenue entries at the time of sale deed were free from any sort of charge and the property in question sold by deceased Dalip Chand as the same was his self acquired property and the defendant is a bona fide purchaser by paying consideration for a sum of ₹52,000/- and suit is without any merit. Court of first instance settled the issues and after considering the material and evidence available on file Court of first instance recorded finding of fact that plaintiff herself had admitted that she use to receive ₹300/- per month from her husband. Court of first instance recorded finding of fact that sale deed Ex.D-1 was executed by Dalip Chand in favour of defendant for a consideration of ₹52,000/- and as such defendant is a bona fide purchaser. Plaintiff preferred appeal before Court of first appeal and remained unsuccessful.

5. Present Regular Second Appeal against findings of both the Courts below. Learned counsel for appellant took the plea that both the

Courts below have completely ignored the fact that plaintiff-appellant is having reversionary rights in the property in her capacity as widow of Dalip Chand, she had reversionary right. More so compromise was arrived at between the deceased husband of the plaintiff and plaintiff herself on 29.07.1988 (Ex. P-1) relating to suit land. However the husband of plaintiff sold the suit land in violation of the commitment made before the Civil Court which was binding upon him. The Courts below have recorded erroneous finding and the same are liable to be reversed.

6. Having considered the submission made by learned counsel for appellant, this Court is of the considered view that it is a settled preposition of law that in Regular Second Appeal, the interference shall be justified only if the controversy involves, some substantial question of law. But there is no substantial question of law involved calling for interference by this Court by way of present appeal. As such, the present appeals are without any merit and the same are hereby dismissed.

**(SHEKHER DHAWAN)
JUDGE**

April 22, 2015

msd