

RSA No.947 of 2014

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

RSA No.947 of 2014

Date of Decision: August 31, 2015

Bakhshish Singh

...Appellant

Versus

Jaswant Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. A.K. Vermani, Advocate
for the appellant.

AUGUSTINE GEORGE MASI, J. (Oral):

Challenge in this appeal is to the judgments and decree passed by Courts below, whereby, suit for mandatory injunction directing the appellant-defendant to hand over the peaceful possession of one room with courtyard forming part of House No.10, with approximate area of 200 square yards situated in village Bharariwal Sub Urban, which was purchased by respondent-plaintiff from the appellant-defendant vide registered sale deed dated 19.05.2003 with costs and damages, stands decreed.

It is the contention of the counsel for the appellant-defendant that the appellant-defendant was residing in the house and in fact, the sale deed on the basis of which the suit has been preferred, was executed by the appellant-defendant while he was in a state of depression. It is, thus, not a voluntary act on his part as his

mental status was not stable at that time. It was asserted that execution of the sale deed was a result of fraud played upon the appellant-defendant which, therefore, cannot be acted upon. He, thus, contends that the findings recorded by the Courts below cannot sustain and deserve to be set aside.

A perusal of the judgments passed by the Courts below would indicate that the assertion as has been made by the appellant-defendant in the pleadings could not be proved by him. In the absence of any evidence which would show that the registered sale deed in favour of the respondent-plaintiff was under depression or was a result of fraud, this assertion has rightly been rejected.

Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

August 31, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE