

RSA No. 1812 of 2016 (O&M)

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

RSA No. 1812 of 2016 (O&M)

Date of decision:11.08.2016

Jagtar Singh

... Appellant

Vs.

Surjit Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Appellant-plaintiff is aggrieved of the dismissal of the suit seeking declaration for setting aside the registered sale deed dated 22.12.2008 on the premise that it was without consideration.

Mr. Umesh Kumar Kanwar, learned counsel appearing on behalf of the appellant-plaintiff submits that the parties had agreed to sell the property @ ₹50,000/- per marla and sale deed is in respect of 5 marlas which comes to ₹2,50,000/-. The sale deed was signed on 19.12.2008 but was put up before the Sub Registrar through appearance on 22.12.2008. The defendant had executed an affidavit dated 29.12.2009, Ex.P4 acknowledging that he would pay the amount of sale consideration at the later stage. Having failed to do so, the plaintiff kept on waiting and ultimately filed a suit on 02.06.2010. The Courts below have ignored the affidavit dated 29.12.2009 (Ex.P4) by dismissing the suit and thus, urges this Court for setting aside the judgments and decrees under challenge by

formulating the substantial questions of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant and appraised the judgments and decrees of the Courts below.

The registered document carries a presumption of truth. No doubt, endorsement does not reveal exchange of money before the Sub Registrar, but the presumption has to be drawn in favour of the vendee and against the vendor. It is not the case of the appellant that fraud had been played upon him and signed the sale deed or appeared before the Sub Registrar under the doubt and misrepresentation. Attesting witness, PW-2 Shinda Ram feigned ignorance regarding the contents of the affidavit, Ex.P4, in essence, affidavit Ex.P4 has not been proved. It is in this background of the matter, the Courts below did not entertain the relief as sought in the suit.

I am also in agreement with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

August 11, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No