

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

RSA No.2979 of 2016 (O&M)

Date of decision:03.10.2016

Bhupinder Kaur

... Appellant

Vs.

Baljit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Roopak Bansal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.7973-C of 2016

For the reasons stated in the application, duly supported by an affidavit, delay of 01 day in filing the appeal is condoned.

C.M. stands disposed of.

C.M.No.7974-C of 2016

For the reasons stated in the application, duly supported by an affidavit, delay of 185 days in re-filing the appeal is condoned.

C.M. stands disposed of.

RSA No.2979 of 2016 (O&M)

The appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, suit seeking declaration and consequential relief challenging the sale deed dated 11.03.2008 executed by Tej Kaur, has been dismissed.

Mr. Roopak Bansal, learned counsel appearing on behalf of the appellant-plaintiff submits that Tej Kaur mother of the plaintiff and widow of Ajaib Singh, father of the plaintiff was owner in possession of the suit land as detailed in the head note of the plaint. Plaintiff is none-else but daughter. The defendants played fraud upon Tej Kaur by getting the sale deed aforementioned, executed in their favour. She died on 12.02.2009 and the suit was filed on 08.06.2009. He further submits that all these aspects have not been noticed by the Courts below, thus, there is illegality and perversity in the findings under challenge.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that sale deed was for a valuable consideration of ₹12,04,000/-. It carries a presumption of truth. No direct, much less, corroborative evidence has been led to rebut the same. Even on earlier occasion, the appellant-plaintiff propounded the Will of Tej Kaur in the revenue record which was found forged and fabricated. During her life time, Tej Kaur challenged the same which was accepted by the Financial Commissioner. Once Tej Kaur had challenged the action of the appellant-plaintiff during her life time, therefore, she had rightly sold the property, vide sale deed aforementioned. The ingredients of the fraud are conspicuously absent.

In view of the aforementioned observations, I do not intend to differ 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 determination of this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

October 03, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No