

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
115**

RSA No. 3440 of 2015

Date of Decision: 12.02.2016

Ravail Singh

.....APPELLANT

VERSUS

Smt. Kulbir Kaur and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**PRESENT: Mr. A.K.Vermani, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Amritsar dated 10.12.2013, whereby the suit of the appellant-plaintiff for declaration to the effect that the sale deed dated 06.05.2010 allegedly executed by the plaintiff in favour of respondent-defendant No. 1-Kulbir Kaur qua land measuring 4 Kanal 5 Marlas forming part of Khasra Nos. 119/10, as detailed in the head note of the plaint, situated at Village Sohian Kalan, Tehsil and District Amritsar registered in the office of Joint Sub-Registrar, Majitha on 07.05.2010 is wrong, illegal, null and void and has been obtained by mis-representation of facts and without any consideration amount having been paid, stands dismissed, appeal against which preferred by the appellant-plaintiff has also been dismissed on 07.01.2015 by the Additional District Judge, Amritsar.

2. It is the contention of the learned counsel for the appellant that the appellant-plaintiff intended to sell the land to the respondents-defendants and for that purpose had gone to the office of the Sub-Registrar at the time of the execution of the sale deed. Prior to the execution of the sale deed, the respondent-defendant No. 1 Smt. Kulbir Kaur stated that she being an old lady could not bring the consideration amount of ₹ 3,30,000/- and would be paying the said amount in her house after returning from the office of the Sub-Registrar. They being both residents of the same village and believing the statement of the respondent-defendant No. 1, he proceeded to execute the sale deed in favour of respondent-defendant No. 1. After the execution of the sale deed, no amount was paid by the respondents-defendants and in these circumstances, he realized that a fraud has been played upon him by misrepresenting and misguiding him in such a manner that the appellant-plaintiff has been deprived of his property without any consideration amount having been received by him. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain.

3. I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the impugned judgments but find myself not in agreement with the plea, as has been taken by the counsel.

4. The impugned sale deed dated 06.05.2010 has admittedly been executed by the appellant-plaintiff. His appearance before the Sub-Registrar at the time of execution of the sale deed has not been denied and in the cross-examination, he has admitted that the Tehsildar has enquired from him if he has received the entire payment or not, to which he replied in the affirmative by stating that he has received the full and final payment and,

thereafter, he signed before the Sub-Registrar. In the light of the categorical admission on the part of the appellant-plaintiff especially when there is a specific recital to the same effect in the sale deed, the findings, as recorded by the Courts below, cannot be faulted with.

5. There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be based on proper appreciation of the pleadings and the evidence produced by the parties, there is no illegality in the impugned judgments passed by the Courts below. Further, there is no substantial question of law in the present appeal, which requires consideration of this Court.

6. In view of the above, finding no merit in the appeal, the same stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

February 12, 2016

pj