

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 4810 of 2014 (O&M)
Date of Decision : 23.04.2016

Ram Phal

....Appellant

Versus

Satbir Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S. Shekhawat, Advocate
for the appellant.

Surinder Gupta, J.

On the suit filed by Satbir Singh and others sons and daughters of late Lachhmi wife of Daya Kishan, the Court below declared release deed No. 2234 dated 08.02.2006, alleged to have been executed by Lachhmi in favour of defendants including appellant-Ram Phal, as forged and fabricated document primarily on the ground that Lachhmi had already died on 13.01.2005 and someone had impersonated in getting the release deed executed on behalf of said Lachhmi.

2. Even one of the witnesses of defendants, namely, Krishan, who is marginal witness of the release deed, has stated that somebody impersonated as Lachhmi at the time of registration of the release deed, as such, he refused to sign the document.

3. Only beneficiary of the release deed, who has filed this Regular Second Appeal against judgment and decree passed by learned Civil Judge (Junior Division), Rohtak affirmed in appeal by Additional District Judge, Rohtak, is Ram Phal-appellant.

4. Learned counsel for the appellant has argued that though death certificate of Lachhmi was produced and proved on record but the witness examined to prove this document, namely,

PW-4 Ranbir Singh has stated that information regarding death of Lachhmi was recorded on the information supplied by plaintiff-Satbir Singh without any identification, proof or witness.

5. Plaintiffs are the sons and daughters of Lachhmi and have deposed regarding her date of death. Children are the best persons to state about death of their parents. To the contrary defendants including the appellant have not come up with any plea regarding date of death of Lachhmi. It was nowhere their case that Lachhmi was alive at the time of filing of the suit. They have not produced any evidence to rebut the oral as well as documentary evidence produced by plaintiffs to prove that date of death of Lachhmi is other than 13.01.2005. Defendants avoided to appear as witnesses in support of their contention that Lachhmi had not died on 13.01.2005.

6. On perusal of judgments of Courts below, I find no legal or factual infirmity therein calling for any interference. No substantial question of law, requiring determination arises in this appeal, which has no merits.

Dismissed.

April 23, 2016
jk

(SURINDER GUPTA)
JUDGE