

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.4875 of 2014

Date of Decision.07.01.2016

Mahender Singh

.....Appellant

Vs.

Balbir Singh and another

.....Respondents

Present: Mr. Sumit Gupta, Advocate  
for the appellant.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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**K. KANNAN J. (ORAL)**

1. The contention which is taken by the defendant was that the property claimed by the plaintiff under a joint purchase was purchased out of the funds of the defendant's wife. The plaintiff was reported to have made an admission that the amount was really paid by the defendant's wife by Ex.C1. The Court, however, still rejected the defence and allowed for the decree to be passed on the basis of purchase because it was merely an oral assertion and not supported by document.

2. The source of funds of a brother's wife can hardly be stated to be a material for examining the title to the property especially after coming to the force of the Benami Transaction Prohibition Act. The exceptions which are provided are only to purchases of joint family properties amongst coparceners and between the husband and wife where the plea of benami is possible. A brother's wife is not a person who could be treated as a benamidar and the contention which was

raised by the defendant was impermissible by law. Even apart from the reasoning adopted by the Court below, the defendant's contention could not be countenanced legally.

3. I find no reason for inference in the second appeal. The second appeal is dismissed as involving no substantial question of law.

**(K. KANNAN)**  
**JUDGE**

**January 07, 2016**  
**Pankaj\***