

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-4399-2016 (O&M)

Date of decision: 01.11.2017

Gurcharan Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Aayush Gupta, Advocate for the petitioners.

RAMENDRA JAIN, J.

1. Through the instant revision, the complainant-petitioners have assailed the judgment dated 05.07.2016 of the Ist Appellate Court, Ludhiana affirming the judgment of the trial Court dated 15.09.2015, acquitting respondents No. 2 and 3, namely; Parveen Kaur and Jiwan Dass.

2. Put pithily, the complainant-petitioners, lodged an FIR against respondents No. 2 and 3 and one Balvir Singh, who expired during the pendency of trial, on the allegations that they, in connivance with each other, usurped the property of the petitioners measuring 452 Sq. Yards situated in village Kuliawal, Tehsil and District Ludhiana, on the basis of a fake, forged and fabricated General Attorney, allegedly executed by the complainant-petitioners in favour of Jagseer Kumar, who on the basis of aforesaid registered General Attorney, got executed a sale deed No. 1877 dated 07.05.1986 in favour of Smt. Thakri Devi, mother of respondent No. 3-Jiwan Dass. Upon the death of Smt. Thakri Devi, the aforesaid land had devolved upon respondents No. 2 and 3, being her legal heirs.

trial Court acquitted respondents No. 2 and 3 vide judgment dated 15.09.2015.

4. Being dissatisfied, the complainant-petitioners preferred an appeal before the Ist Appellate Court. In appeal also, the complainant-petitioners remained unsuccessful as the same was dismissed vide impugned judgment dated 05.07.2016.

5. Learned counsel for the petitioners contends that the petitioners had inherited the property from their ancestor-Ravinder Singh @ Boota Singh. They never executed any registered General Attorney in favour of Jagseer Kumar who, in order to cheat and defraud the petitioners, had executed the sale deed qua valuable property of the complainant-petitioners in favour of Smt. Thakri Devi, mother of respondent No. 3 and mother-in-law of respondent No. 2. After the death of Smt. Thakri Devi, respondents No. 2 and 3 have inherited the same. Since, respondents No. 2 and 3 had become the beneficiaries of the property, therefore, they have wrongly been acquitted by the trial Court.

6. After giving thoughtful consideration to the submissions made by learned counsel for the petitioner, I find the instant revision, being completely devoid of any merit, for the reasons to follow:-

7. Undisputedly, the land in question, allegedly inherited by the complainant-petitioners was sold to Smt. Thakri Devi, by Jagseer Kumar, registered General Attorney of the petitioners. The petitioners have miserably failed to lead any evidence, what to talk of cogent and convincing that they never appended their signatures/thumb impressions on the alleged forged and fictitious registered General Attorney executed in favour of Jagseer Kumar. The petitioners did not move any application for

comparison of their signatures/thumb impressions over the disputed registered General Attorney, before the trial Court. Non-doing so by the petitioners requires to draw an adverse inference against them that they did not adopt any such exercise intentionally or deliberately knowing well that the truth would prevail in favour of respondents No. 2 and 3, who inherited the property in question, after the death of vendee Smt. Thakri Devi.

8. There is no iota of evidence on record that respondents No. 2 and 3 and Balvir Singh (deceased) had ever prepared any forged and fictitious registered General Attorney of the petitioners in favour of Jageer Kumar. Both the Courts below have recorded concurrent findings in favour of respondents No. 2 and 3, acquitting them.

9. I have gone through the judgments of both the Courts below and find no illegality or perversity in the same. The instant revision is dismissed with costs to ₹ 10,000/-, to be deposited by the petitioner with the District Legal Services Authority, Ludhaina.

10. This exemplary cost of ₹ 10,000/- has been imposed just to curb down the filing of such frivolous petitions before this Court, even after losing the battle before two Courts thereby wasting precious time of this Court which could have been utilized for adjudication of some genuine cause.

11. A copy of this order be sent to the Member Secretary, District Legal Services Authority, Ludhiana, for necessary action.

November 01, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No