

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

**RSA No.2542 of 2015 (O&M)
Date of Decision: March 29, 2017**

Ajit Kaur @ Jeeto

..Appellant(s)

Versus

Sukhbir Kaur and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Dhiraj Chawla, Advocate
for the appellant.

ANITA CHAUDHRY, J.

This is the plaintiff's second appeal aggrieved by the judgments passed by both the Courts below.

To understand the context it is necessary to first refer to the relationship between the parties. Kartar Kaur, mother of the plaintiffs and defendant no.1 owned a property. Two of her daughters had filed the suit claiming 1/3rd share in the land. A decree for joint possession was also sought. It was pleaded that defendants no.2 & 3 were claiming that they had purchased the property from Kartar Kaur who was their maternal grand mother. The plaintiffs came to know of it when they inspected the revenue record and found that a lease deed and a sale deed

had been executed and the fact was that no sale deed was executed by Kartar Kaur and the sale deed was a result of fraud and misrepresentation and undue influence and without consideration and did not affect their rights.

The defendants took the plea that Kartar Kaur had executed a sale deed on 08.02.1999 and the plaintiffs were aware of this fact and had not challenged the same during the life time of Kartar Kaur and the suit was not maintainable.

The trial Court noticed the factual aspects observing that there was a lease deed which was executed in 1998 and thereafter, a sale deed in favour of defendants no.2 & 3 and Kartar Kaur had died two years after sale deed. It was held that the plaintiffs had failed to prove that the sale deed had been obtained by fraud and misrepresentation and the suit had been filed after six years of the death of the owner.

Aggrieved by the judgment an appeal was preferred which was dismissed.

I have heard the counsel for the appellant at great length but I am unable to find any infirmity or illegality in the finding recorded by the Courts below. The plaintiffs had taken the plea of fraud and misrepresentation, which were not only vague and had not been substantiated either. Ajit Kaur had admitted that her mother did not make any complaint against the grand sons. Kartar Kaur was alive for almost three years after the execution of the sale deed. Had force or undue influence been exercised, the mother would have confided in her

daughters. The appellate Court had rightly observed that the plaintiff had notice of the sale deed and had filed a suit six years after the death of the mother and it was barred by limitation. There is no reason to take a different view. The findings are affirmed.

The appeal is dismissed in limine.

(ANITA CHAUDHRY)
JUDGE

March 29, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No