

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.2873 of 2015 (O&M)

Date of decision: 25.09.2017

Dalwinder Singh and others

..... Appellants

Versus

Amar Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Keshav Pratap Singh, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiffs had filed a suit for declaration challenging sale deeds executed by defendant No.1 in favour of defendant No.2 and 3 dated 15.06.2006 and 06.09.2006. Learned trial Court after appreciating the evidence available on the file and particularly noticing that Amar Kaur, the executant had appeared in the witness-box as DW-1, dismissed the suit.

Appeal filed before the First Appellate Court was also dismissed after re-appreciating the evidence available on the file.

Learned counsel for the appellants has vehemently argued that the sale consideration is not proved on the file. He has further submitted that the mother had sold the property in favour of her son which is wholly unbelievable.

I have considered the submission of learned counsel for the

appellants, however, I do not find any force in the same.

Once the vendor had appeared in the witness-box and admitted the genuineness of the sale deeds, the plaintiffs had no locus standi to challenge the sale deed on the ground that the sale is without consideration. In this case, Amar Kaur had appeared as DW-1. Further, learned counsel has submitted that sale by the mother in favour of her sons is unbelievable. In my considered opinion, it is not unbelievable if the mother wanted to transfer the property in favour of her sons, she transferred the property by way of sale deeds.

In view of what has been discussed above, I do not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

25.09.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No