

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

RSA No.2874 of 2015 (O&M)

Date of Order: 08.08.2017

GURKIRAT SINGH AND ORS TH MOTHER GURJEET KAUR

..Appellants

Versus

NISHAN SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namit Sharma, Advocate,
for the appellants

ANIL KSHETARPAL, J (Oral)

Plaintiffs are in regular second appeal against the judgment and decree passed by the trial Court, affirmed in appeal by the first appellate Court.

Plaintiffs had filed a suit for declaration challenging sale deed executed by their father on 16.11.2004, being illegal, null, void, ineffective, in-operative and result of fraud. Late Shri Gurmeet Singh father of the appellants died on 22.05.2007. After the death of their father, plaintiffs through their mother filed the present suit.

Both the Courts below after appreciating the evidence available on the file, have recorded concurrent finding of fact that the sale deed executed by late Shri Gurmeet Singh was result of a valid transaction.

Learned counsel for the appellants has submitted that payment of sale consideration has not been proved by the defendant. He has further submitted that there is an endorsement by the sub-Registrar that no payment

has been made in his presence.

I have considered the submission of counsel for the appellants and with his able assistance gone through the record of the case.

Sale deed is a registered document, having presumption of truth. A careful reading of the sale deed would show that the entire sale consideration was acknowledged to have been received by the executant even before the execution and registration of the sale deed. The sale deed is duly thumb marked by the executant. Even the photographs of the executant have been affixed.

The endorsement made by the sub-Registrar, at the time of registration, is only proving one fact that in the presence of the sub-Registrar, no payment was made. However, that would not prove the case of the plaintiffs, particularly when in the sale deed itself, it is mentioned that executant had received the entire sale consideration before execution of the sale deed.

Taking into consideration the facts and circumstances of the case, I do not find any error in the concurrent findings of fact arrived at by the Courts below. Therefore, the regular second appeal is ordered to be dismissed.

August 08, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO