

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

105

**RSA No.5363 of 2015 (O&M)  
Date of decision: 11.09.2017**

Lakhwinder Kaur and others

**..... Appellants**

Versus

Davinder Singh and others

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. L.S. Bhangu, Advocate  
for the appellants.

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**ANIL KSHETARPAL, J. (ORAL)**

**CM-12763-C-2015**

Application is allowed and exemption as prayed for is granted.

**CM-12764-C-2015**

There is a delay of 34 days in filing the appeal.

For the reasons stated in the application, the same is allowed and the delay of 34 days in filing the appeal is condoned.

**RSA No.5363 of 2015**

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

It is not in dispute that the property was owned by late Sh. Sewa Singh. Sewa Singh executed a sale deed/transfer deed in favour of the sons of his brothers as he was not having any male child. Plaintiffs are daughters.

Both the Courts below after appreciating the evidence available on the file have held that before the amendment in 2005, daughters were not members of the co-parcenary and therefore, they have no right title or interest

in the property.

Learned counsel for the appellants has submitted that payment of sale consideration is not proved and therefore, the sale in favour of defendants is liable to be set aside.

I have considered the submission of learned counsel for the appellants and with his able assistance gone through the judgments passed by the Courts below.

It is not in dispute that the sale deed is a registered document. In the sale deed, it is clearly recorded that sale consideration of ₹ 8,33,000/- has been paid. Sewa Singh during his life time did not dispute the sale deed executed by him. Plaintiffs filed the suit after the death of late Sh. Sewa Singh. Sale deed is a contract between the parties. In my opinion, if Sewa Singh has not disputed the receipt of the consideration amount, then plaintiffs had no locus standi to challenge the sale deed on the ground that sale is without consideration.

Still further, it was for the plaintiffs to prove that sale was without consideration. Plaintiffs have failed to lead any substantive evidence to show that the sale deed was without sale consideration.

Even otherwise, the sale deed was executed in favour of his nephews by late Sh. Sewa Singh who was not having any male child.

For the reasons recorded 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.

**11.09.2017**  
Dinesh Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes / No  
Yes / No