

RSA-2266-2017 (O&M)
Date of Decision: 16.12.2017

Manjit Singh

.....Appellant

versus

Major Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL**Present:** Mr. K.S. Chahal, Advocate
for the appellant.**ANIL KSHETARPAL, JUDGE (ORAL)****CM-5529-C-2017**

Application is allowed as prayed for.

RSA-2266-2017

Defendant/appellant is in regular second appeal against concurrent findings of fact arrived at by the Courts below.

Plaintiff/respondent filed a suit for recovery of Rs.2,79,000/- along with interest on the basis of a deed of compromise (*panchayati rajinama*) dated 06.01.2012 signed by the defendant/appellant.

Defendant on the other hand contested the suit on the ground that the aforesaid deed of compromise is without consideration and is a forged and fabricated document.

Both the Courts after appreciating the evidence available on the file, decreed a suit filed by the plaintiff. The Court noticed that the aforesaid deed of compromise has been proved by claiming marginal witnesses. The Court further noticed that hand writing and finger prints expert has been examined to prove the signatures of the defendant on the aforesaid deed of compromise.

Learned counsel for the appellant has vehemently argued that

the aforesaid deed of compromise is without any consideration and, therefore, the said contract is *void ab initio*. In the considered opinion of this Court, the deed of compromise (panchayati settlement) does not even make a mention that some payment is being made. There was some old dispute between the parties to the suit which was resolved by entering into a settlement. Signatures of the defendant/appellant have been proved on the file. Still further, defendant/appellant has failed to substantiate his plea the deed being forged and fabricated. Learned counsel for the appellant has further submitted that the aforesaid deed of compromise was signed by the defendant/appellant in the police station under the pressure of the police. Defendant/appellant have been failed to substantiate the said plea also before the Courts below.

In view of the concurrent finding of fact arrived at by the Courts below, this Court does not found any ground to interfere.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

16.12.2017
Neha

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No