

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

RSA No.2401 of 2017 (O&M)

Date of decision: 21.11.2017

Sharanjit Singh

..... Appellant

Versus

Sardool Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. B.S. Jaswal, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-5829-C-2017

Delay of 19 days in filing the appeal is condoned for the reasons stated in the application which is supported by an affidavit.

Application is allowed.

Main Case

Plaintiff-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff had filed a suit on 23.04.2008 seeking specific performance of agreement to sell dated 06.01.1997 and joint possession of the property. Both the Courts below after relying upon the report of the Director, Forensic Science Laboratory have held that the agreement to sell is forged. The Courts have further noticed that as per the agreement to sell, the sale deed was to be executed whenever Sardool Singh visits India. It has come in evidence that Sardool Singh visited India on 24.10.1997 when he executed a registered Will in favour of his daughter-Pawinder Kaur and

son-Kanwarbir Singh which is Ex. D/1 on the file.

Learned counsel for the appellant has submitted that the opinion of an expert is not binding on the Court. He has further submitted that the plaintiff has also examined expert who has given opinion in favour of the plaintiff.

In this case, both the parties had engaged private experts. Both the experts had given opinion in favour of their clients. Court finding difference of opinion relied upon the report of the Director, Forensic Science Laboratory (a Government of India undertaking). It has been opined by Forensic Science Laboratory that the agreement to sell is forged. Further the suit was filed after a period of more than 11 years. The findings arrived at by the Courts are neither shown to be perverse nor result of misreading of evidence.

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

The appeal is dismissed.

21.11.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No