

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

**RSA No. 2549 of 2017
Date of decision : 07.11.2017**

Sher Singh ...Appellant

versus

Tara Bai and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Varun Gupta, Advocate
for the appellant.

RITU BAHRI, J.

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiffs-respondents (herein after to be referred as 'respondents') has been decreed.

The case set up by the respondents before the Court below was that they are owners in possession of the suit property fully described in para No 1 of the plaint to the extent of land measuring 02 kanal 18 marla and sale deed bearing vasika No. 1490 dated 15.11.1984 and subsequent mutation No. 2963 sanctioned on the basis of above said sale deed are illegal null and void with consequential relief of permanent injunction seeking to restrain defendant No. 1 from transferring the suit property in any manner and from interfering in the possession of the respondents over the suit property.

Both the Courts below decreed the suit of the respondents on

the ground that Shamsheer Singh Malik appeared as P.W.3 being Handwriting and Finger Print Expert and he has specifically deposed that upon comparison of disputed thumb impressions of respondent No. 1 on the impugned sale deed Ex D1 with her standard thumb impression on the plaint, second copy of plaint, vakalatnama and stay application, he found that the pattern of the disputed thumb impressions is fundamentally different from the standard thumb impressions of respondent No. 1 as the disputed thumb impressions were of loop type while the standard thumb impressions were of composite type so nothing impeaching the credibility of said witness could be brought on record by the appellant during cross examination.

Further respondent No. 1 filed a criminal case against Sher Singh and Leela Ram who were attesting witnesses to the sale deed under challenge as they have forged the impugned sale deed in order to cheat respondent No. 1. However, the case was decided in favour of accused and they were acquitted by giving them benefit of doubt, vide judgment and decree dated 12.09.2013.

Further D.W.5 Musadi Lal Bhardwaj who drafted the impugned sale deed appeared as D.W.5 and deposed that there are no thumb impressions of respondent No. 1 in his register against the entry regarding execution of the sale deed.

Accordingly, the concurrent findings of facts recorded by both the Courts below does not require any interference by this Court.

No substantial question of law arises for adjudication by this

Court.

The appeal is dismissed.

07.11.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No