

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.6032 of 2014 (O&M)

Date of decision: 04.10.2017

Kamlesh Kaur (now deceased) through LRs
Vijay Kumar and another

..... Appellant

Versus

Shiv Mandir Welfare Committee
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. N.S. Goraya, Advocate
for the appellant.

Mr. Piyush Khanna, Advocate, for
Ms. Aditya Sharda, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

CM-7438-C-2016

Application is under Order 1 Rule 10 CPC for impleading Gram Panchayat as party respondent. The application is totally without any merit as one cannot be impleaded as party for the first time in regular second appeal. Plaintiff in the present case had filed a suit challenging gift deeds executed by her father in favour of Mandir. Both Mandir as well as father were impleaded as party. Panchayat has nothing to do with the case.

Accordingly, the application is dismissed.

RSA No.6032 of 2014

Plaintiff-appellant is in appeal against the judgment of the learned First Appellate Court, Patiala.

Plaintiff is a married daughter. She filed a suit against her

father and Mandir. Plaintiff had challenged two gift deeds executed by the father of the plaintiff dated 29.11.2002 and 27.02.2003. Plaintiff had claimed that the gift deed are result of fraud and misrepresentation. It was further claimed that the property is ancestral.

Learned First Appellate Court after appreciating the evidence available on the file has recorded a finding of fact that defendant No.1 i.e. father of the plaintiff admitted the execution of the gift deeds. He contested the suit along with Mandir. The gift deeds are registered documents, executed and attested in accordance with the provisions of the Registration Act, 1908 and Transfer Property Act, 1882.

Learned Court has further noticed that the plaintiff being daughter had no right in the property before the amendment in 2005. It has further been noticed that although it is the case of the plaintiff that Ajaib Singh, father of the plaintiff was blind and unable to understand, however, no medical evidence has been produced.

Learned First Appellate Court has given a detailed judgment after appreciating the evidence available on the file. Such finding is not shown to be erroneous.

Learned counsel for the appellant could not point out any substantive error in the judgment passed by the First Appellate Court.

In these circumstances, I do not find any good ground to interfere with the finding of fact arrived at by the First Appellate Court.

Appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

04.10.2017
Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No