

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

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RSA No.3991 of 2011 (O&M)

Date of Decision : 25.04.2018

Satbir @ Satpal and others

..... Appellants

Versus

Shanti Devi and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sachin Mittal, Advocate
for the appellants.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellants whereby they had challenged a sale deed and lease deed made by appellant No.3 primarily on the ground of fraud.

Both the Courts rejected the plea of fraud because neither the method nor the other details were mentioned in the plaint nor were they brought forward in the evidence.

Learned counsel has argued that the Courts below have wrongly not considered the fact that the property was Dholidar property and could not have been alienated. In this connection the Courts below have

describing the property as Dholidar or any document which may establish that the property was Dholidar. The Courts below also mentioned that even if for the sake of argument it is accepted that the property was Dholidar property yet the appellants had not proved that there was any restriction on the right to alienate.

Learned counsel for the appellants has argued that DW-4 has accepted that the property was Dholidar property.

In my opinion, in the absence of any other evidence the admission by one witness of the respondents would not give the property either the status of Dholidar or nor would it satisfy the condition that there was any restriction on the right to alienate.

In the circumstances, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.04.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No