

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

109

RSA-185-2016 (O&M)

Date of Decision : 30.07.2018

Veerpal Kaur @ Sarvjit Kaur

..... Appellant

Versus

Smt. Randhir Kaur and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. P.K.Ganga, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit whereby the appellant had contended that she continued to be the owner in possession of 23 kanals and 10 marlas of land and that the sale deed which had been executed by her was invalid, primarily because at that time she was a minor and also because no consideration had passed. Further contention of the appellant was that the proforma respondent No.2-her younger sister who had also executed a sale deed on the same date in favour of the respondents. That sister did not appear in this case. During the trial the appellant produced a birth certificate and two school certificates. The birth certificate reflected her date of birth as 24.04.1988 and matriculation certificate reflected her date of birth as 22.04.1988. It also deserves mention that the birth certificate came into existence during the pendency of the suit.

The Courts below declined to consider that birth certificate because the chowkidar on the basis of whose report that delayed certificate was issued was not produced into evidence. As regards the school certificates, the Courts below relied upon the judgment of the Supreme Court in *Desh Raj Vs. Bodh Raj, 2008 (1) RCR (Civil), 217 (SC)* wherein it was held that where there was a dispute regarding the date of birth mere production of school record would not suffice, even though it had some probative value.

Keeping in view the entire conspectus of facts the Courts below dismissed the suit.

Counsel has not been able to show me how the judgments are wrong.

Appeal stands dismissed.

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

(AJAY TEWARI)
JUDGE

30.07.2018
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No