

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

RSA No.2497 of 2016 (O&M)

Date of decision : 23.05.2018

Harbans Kaur (since deceased) through Joginder Singh

...Appellant

Versus

Gurbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.6611-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 12 days in filing the present appeal is condoned.

Application is allowed.

Main case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

It is an unfortunate case where on account of greed of the property, existence of a daughter who is living, is being denied. Harbans Kaur, the plaintiff filed a suit claiming that she had two daughters namely Bhira and Bhajno. Bhira died about 50 years back. The suit was filed through Joginder Singh, son-in-law who is husband of Bhajno. The sale

deeds executed by Bhiro were challenged on the ground that Bachno had in fact impersonated as Bhiro.

Both the Courts after appreciating the evidence available on the file and particularly relying upon the admission of three witnesses brought in by the plaintiff, have found that Bhiro is also known as Bachno and is alive. PW2-Joginder Singh has categorically admitted that Harbans Kaur was having only two daughters. Joginder Singh, the son-in-law also admitted that the sale deeds were executed by Bhiro @ Bachno. When Bhajno, the other sister appeared in the evidence, she also admits that Bhiro @ Bachno is her sister. Based upon these categorical admissions of the witnesses produced by the plaintiff, both the Courts have dismissed the case.

Although, the plaintiff started claiming that she had three daughters but no evidence in this regard was produced. It is also admitted fact that no evidence was produced to prove that Bhiro died 50 years back as is being claimed in the plaint.

In view of the aforesaid facts, this Court does not find any good ground to interfere with the concurrent finding of fact which is neither shown to be result of mis-reading of the evidence nor non-reading of any material evidence.

Regular Second Appeal is dismissed.

23.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No