

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

**109**

**RSA-2680-2016 (O&M)  
Date of Decision : 27.9.2018**

**Santosh Devi**

**....Appellant**

**vs.**

**Maman Ram and another**

**....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. S.S.Duhan, Advocate  
for the appellant.

**\*\*\*\***

**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant where she had challenged the decree stated to have suffered in favour of the respondents-her brothers on the ground that she had never engaged any counsel nor filed written statement nor made any statement in the Court and consequently prayed that decree be set aside on the ground of fraud.

Both the Courts below found that Vakalatnama was duly thumb marked by the appellant and produced on record as Ex. D-1, D-3 was copy of statement wherein she appeared before the Court, Ex. D-2 was the admitted written statement where her thumb mark was found. Respondents examined the Advocate who had appeared and testified that she had thumb marked the Vakalatnama, written statement and appeared in the Court also. They also examined the handwriting expert who reported that thumb mark on Vakalatnama, on the written statement and on the statement made were

those of the appellant.

Consequently, both the Courts below held that she was not able to prove that decree was obtained by fraud.

Counsel is not in a position to explain how these findings are wrong. The appeal stands dismissed.

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

27.9.2018  
anuradha

(AJAY TEWARI)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |