

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

**209**

**CM-1383-84-C-2013 in/and  
RSA-513-2013 (O&M)  
Date of Decision : 17.07.2018**

Tejinder Singh and another

..... Appellants

Versus

Mohan Singh and others

..... Respondents

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

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Present :- Mr. V.K. Sandhir, Advocate  
for the applicants-appellants.

Mr. Karamjit Singh, Advocate  
for the respondents.

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

**CM-1383-84-C-2013**

For the reasons recorded, the applications are allowed.  
Deficiency of court fee is made good. Delay of 342 days in refiling the  
appeal is condoned.

**RSA-513-2013(O&M)**

This appeal has been filed against the concurrent judgments  
of the courts below dismissing a suit filed by the appellants. The case of  
the appellants was that the land in dispute was owned by their father  
Lakhwant Singh who had willed it to them. As per their version, the  
respondents were known to their father and since the land was situated 50  
kms away from the resident, their father had given it to the respondents  
for management and he had never sold the land to them. The  
respondents' claim on the other hand was that they purchased the land in  
dispute from the father of the appellants by way of registered sale deeds

Ex.D1 and Ex.D2 and they proved the sale deeds by examining scribe and witnesses. The only evidence which the appellants had produced was the report of the hand-writing expert as per which the signatures on the sale deeds did not tally with the admitted signatures of Lakhwant Singh. Beyond that no positive evidence was led by the appellants. The courts below ultimately held that the preponderance of probability was in favour of the respondent and came to the conclusion that the appellants were not able to rebut the presumption raised by the registered sale deeds.

Counsel for the appellants has argued that there are many unanswered questions.

In my considered opinion, unanswered questions are not enough to rebut a presumption and to rebut the presumption positive evidence has to be led. Counsel for the appellants has not been able to persuade me that the findings of fact recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

July 17, 2018  
*ashish*

(AJAY TEWARI)  
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No