

In the High Court of Punjab and Haryana at Chandigarh

RSA-880 of 2013(O&M)
Date of Decision:27.9.2018

Satpal

---Appellant

vs.

Baljit Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Vivek Salathia, Advocate
for the appellant

Mrs. Rupinder Kaur Thind, Advocate
for respondents No. 2 to 7 and 10

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit for declaration that the appellant-plaintiff is the owner in possession of land measuring 12 kanal 11 marlas, detailed in head note of the plaint as sale deed dated 6.4.1978 in favour of Gurcharan Singh son of Khushal Singh is illegal, invalid, without consideration, null and void and result of criminal conspiracy of the defendants and as such is not binding upon the appellant and further challenge to mutation qua inheritance of late Gurcharan Singh in favour of defendants No. 1 to 6 regarding the suit property, was dismissed by the trial

court vide judgment and decree dated 16.1.2010 that came to be affirmed in appeal by the Additional District Judge, Amritsar.

Perusal of the judgments impugned would reveal that the courts have consistently held that the appellant-plaintiff has failed to substantiate successfully to challenge the sale deed in question on any of the grounds sought to be raised by the appellant-plaintiff.

Counsel for the appellant has failed to point out that consistent findings recorded by the courts suffer from misreading of evidence or failure to take into consideration any evidence which has material bearing on determination of the primary issue with regard to validity of sale deed in question.

As per the settled position in law, the Court in second appeal cannot re-appreciate the evidence and set aside consistent findings merely because a view different from what has been taken by the courts is possible. Equally settled is that second appeal can be admitted for hearing if it raises a question of law for determination. That being so, there is no scope for intervention in the well considered judgments passed by the courts.

For the foregoing reasons, the appeal fails and is accordingly dismissed with costs.

(Rekha Mittal)
Judge

27.9.2018
paramjit

Whether speaking/reasoned: Yes
Whether reportable : Yes/No