

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3789 of 2016 (O&M)

Date of Order: 03.10.2018

Gurdev Singh

..Appellant

Versus

Gurjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Sharma, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

C.M.No.9859-C of 2016

Prayer in this application is for condonation of delay of 20 days
in re-filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 20 days in re-filing the appeal is condoned.

Application is allowed.

C.M.No.9860-C of 2016

Allowed as prayed for.

C.M.No.9861-C of 2016

Prayer in this application is for bringing on record the legal
representatives of Banta Singh-respondent no.2..

For the reasons mentioned in the application, which is
supported by an affidavit, the application is allowed, subject to all just
exceptions. The legal representatives mentioned in paragraph 2 of the
application are brought on record for the purpose of prosecuting this appeal
only.

MAIN

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit filed by the plaintiff for declaration challenging sale deed executed by defendant no.2 dated 08.03.2007, in favour of defendant no.1.

Plaintiff, who is natural son of Banta Singh. Defendant no.2 was adopted by Sucha Singh. Plaintiff claims that Sh. Sucha Singh, who was owner to the extent of ½ share has died and, therefore, he has stepped into his shoes.

Defendants contested the suit by submitting that Banta Singh was owner in possession of the property who had transferred the property in favour of his son Gurjit Singh, defendant no.1, who has further sold the property to defendants no.3 and 4, vide sale deed dated 10.02.2010.

Both the courts have concurrently found that the suit was filed by concealing the material facts. Sh. Sucha Singh had sold his share to various persons. Plaintiff in the cross-examination has also admitted this fact.

Learned counsel for the appellant could not draw attention of the court to any misreading or non-reading of substantive evidence.

Hence, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

October 03, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No