

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

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**RSA No. 3020 of 2015 (O&M)
Date of Decision : 22.3.2018**

**Surain Singh (Since deceased) through his Legal Heirs
....Appellant**

vs.

**Gurmail Kaur (Since deceased) through her Legal Heirs and another
....Respondents**

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rajesh Bhatheja, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-7217-C-2015

This is an application for condonation of 350 days delay in
refiling the appeal.

For the reasons recorded in the application, the same is allowed
and delay of 350 days in refiling the appeal is condoned.

Main Case

This appeal has been filed against the concurrent judgments of
the Courts below dismissing a suit filed by the appellant.

The appellant had challenged the sale deed executed in favour
of the respondent No.1 by claiming that actually he had intended only to
mortgage his land but by a fraud sale deed had been executed from him.
Both the Courts below after discussing the entire evidence came to the
conclusion that the appellant had not been able to prove that he had been

defrauded.

Learned counsel for the appellant has argued that there was no need for the appellant to have sold his land. The Courts below have noticed that as per the appellant the value of the land was Rs.4, 50,000/- while the sale deed had been made for a sum of Rs.3,50,000/-. The Courts below further noticed that somewhere the appellant admitted that the document had been executed by him and somewhere he stated that he was never told any fact by the deed writer and Teshildar.

Learned Counsel for the appellant has not been able to meet these facts. The appeal stands dismissed.

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

22.3.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No