

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

**RSA No.3205 of 2015 (O&M)
Date of decision : February 14, 2018**

Sunita Devi

..... Appellant

Versus

Sunil

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Virendra Rana, Advocate for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM Nos.7740-C and 7741-C of 2015

There is delay of 114 days in re-filing and delay of 40 days in filing the present appeal.

For the reasons mentioned in the applications, delay of 114 days in re-filing and delay of 40 days in filing the present appeal is condoned, subject to all just exceptions.

Applications stand disposed of.

Main Case

Impugned in the present regular second appeal is the judgment dated 11.08.2014 passed by learned Addl. District Judge, Bhiwani, vide which the judgment and decree dated 29.01.2011 passed by learned Civil Judge (Jr. Divn.), Bhiwani was set aside and the suit filed by the plaintiff was decreed for possession and the defendant was directed to deliver the possession of the suit property within a period of two months from the date of passing of the judgment.

Heard.

The short facts required to be noticed for the purpose of disposal of the present appeal are that the plaintiff claimed that he had purchased the suit property from the defendant, vide sale deed dated 25.07.2005. The defendant had entered into illegal possession of the suit property.

In the written statement, the stand of the defendant is that she never executed the sale deed. The plaintiff had obtained her thumb impression by misrepresentation on the pretext of compensation for Ola Varisti.

The lower appellate court has come to the conclusion that the sale deed has been proved. The sale deed is of the year 2005.

Learned counsel for the defendant-appellant does not deny that the sale deed has not been challenged by the defendant-appellant on any ground so far.

The sale deed is a registered document. The defendant-appellant has failed to prove misrepresentation as alleged. The findings of facts have been recorded by the lower appellate court. No law point is involved in the present appeal. As such, there is no illegality of infirmity in the findings recorded by the lower appellate court. Consequently, I do not find any merit in the present regular second appeal. Therefore, the same is dismissed.

(KULDIP SINGH)
JUDGE

February 14, 2018

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No