

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

RSA No.5305 of 2016 (O&M)

Date of Decision.08.05.2018

Balwinder Kaur

.....Appellant

Vs

Jagtar Singh

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod K. Kaushal, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

The appellant-plaintiff is aggrieved of the concurrent finding of fact whereby the suit claiming declaration by laying challenge to the sale deed dated 22.05.2009 (wrongly typed as 05.05.2009) executed by Jeeta Singh son of Khem Singh in favour of the defendant had been dismissed by the trial Court and affirmed by the lower Appellate Court.

Mr. Vinod K. Kaushal, learned counsel appearing on behalf of the appellant submitted that both the Courts have non-suited the plaintiff as she did not appear for cross-examination. However, the pleaded case in the plaint was that the plaintiff was only daughter of Jeeta Singh, therefore, he could not have executed the sale deed in favour of third party. The sale deed was an outcome of fraud and misrepresentation having been played upon Jeeta Singh as he was suffering from various diseases, thus, urges this Court for setting aside the judgments and decrees under challenge.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no force and merit in the

submissions of Mr. Kaushal, for, the plaintiff has miserably failed to prove

on record by leading any direct and cogent evidence with regard to indisposition of Jeeta Singh nor she appeared for cross-examination, therefore, an adverse inference had rightly been drawn against her. Even the ingredient of fraud and misrepresentation are conspicuously wanting, therefore, the Courts below had no other option but to dismiss the suit.

In view of the aforementioned, the argument of Mr. Kaushal has not been able to cut ice to form a different opinion than the one already arrived at by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 08, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No