

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

RSA No.4179 of 2015 (O&M)

Date of decision:06.12.2018

Sanmukh Singh (deceased through LRs)

... Appellant

Vs.

Basant Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rahul Sharma, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.10109-C of 2015

For the reasons stated in the application which is duly supported by an affidavit, delay of 18 days in re-filing the appeal is condoned.

C.M. stands allowed.

C.M.No.10110-C of 2015

For the reasons stated in the application which is duly supported by an affidavit, delay of 4 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.4179 of 2015 (O&M)

The appellant-plaintiff has not been successful in claiming the declaration with consequential relief of permanent injunction by laying challenge to the sale deed dated 3.1.1973, whereby, suit property was

allegedly purchased by defendant no.1, who was none else but wife.

From pith and substance of the plaint, it is deciphered that plea of benami prior to the repealing of The Benami Prohibition Act, 1988 (for short “1988 Act”) was taken. The plea of benami in respect of transaction entered into prior to 1988 Act, can be taken but required to be proved to establish the source and trust deposited in the name lender.

In the absence of any such evidence in the present case, despite asking to the learned counsel representing the appellant as to whether any bank account statements, income tax returns or any other independent evidence to establish the source of purchase has been brought on record or not, the answer was in 'negative'. In such circumstances, the Courts below had no other occasion but to dismiss the suit.

No ground is made out for interference in the impugned judgments and decrees, much less, no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 06, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No