

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA- 6196-2016 (O&M)
Date of decision: 17.04.2018

Smt.Jai Dei (since deceased) through LR

.....Appellant

versus

Umed Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.K.S.Malik, Advocate for the appellant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present Regular Second Appeal is judgment dated 15.9.2016 passed by learned Additional District Judge, Rohtak, affirming the judgment and decree dated 19.12.2013 passed by learned Civil Judge (Junior Division), Rohtak.

I have heard learned counsel for the appellant and have also carefully gone through the file.

Appellant has filed a suit for declaration to the effect that the release deed No.3983 dated 28.7.2008 executed by her in favour of her brothers, Umed Singh, Suraj Bhan, Parkash and Lal Chand is illegal and should be set aside. The ground for setting aside the same was that a fraud was played on her. She was brought to Rohtak on the pretext that mutation is to be entered. Her photograph and thumb impressions were taken in the office of Tehsildar for sanctioning mutation. She does not know the witnesses. All the facts were not disclosed to her or to Tehsildar.

Both the Courts below have taken a view that the alleged fraud has not been proved. Plaintiff has examined herself and one Satbir Singh. Self serving statement of the plaintiff is not sufficient. Fraud has to be specifically alleged and proved. The appellant has not shown as to what mutation was to be entered for which she had come to the office of the Tehsildar. For entering the mutation, photograph is not taken nor witnesses are required to sign the documents. Therefore, I am of the view that both the Courts below have rightly held that the fraud is not proved. Consequently, there is no illegality or infirmity in the findings recorded by both the Courts below.

Resultantly, the present Regular Second Appeal stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

17.04.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No