

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 6301 of 2016
Date of decision : November 15, 2018

Balkar Singh

..... Appellant

Versus

Gian Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. Prateek Pandit, Advocate
for the appellant.**

AMIT RAWAL, J (oral).
CM No. 16544-C of 2016

This is an application under Section 5 of the Limitation Act read with Section 151 CPC seeking condonation of delay in refiling the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 45 days in refiling the appeal is condoned.

The application stands disposed of.

RSA No. 6301 of 2016

The appellant-plaintiff has not been successful in laying claim to the sale deed dated 29.12.2000 executed by him in favour of defendant No.1 on the premise that the same was executed on account of fraud and mis-representation. It was alleged that when the sale deed was

The appellant-plaintiff had executed sale deed dated 29.12.2006 in favour of defendant No.1 and defendant No.1 further intentionally parted with the same and executed the sale deed dated 1.3.2007 in favour of defendant No.2.

Learned counsel for the appellant has submitted that a complaint was written to the Senior Superintendent of Police but to no avail. The total sale consideration was ₹1,35,000/- whereas the actual value of the land was ₹12,00,000/- per acre. It was sold on a lesser amount than the actual value of the land. Umpteen number of documentary evidence reveal that the plaintiff was drunken at the time of execution of sale deed.

I have heard learned counsel for the appellant and of the view that there is no force and merit in his submissions as the appellant-plaintiff has not been able to prove the ingredients of Order 6 Rule 4 CPC. It is a mandatory requirement of law. If at all, the complaint made to the Senior Superintendent of Police was not taken into consideration nothing prevented the plaintiff to make another complaint but the same has not seen light of the day.

In view of the aforementioned, the concurrent finding of fact arrived at by both the Courts below do not call for interference. The argument of learned counsel for the appellant has not been able to cut ice to bring the finding of the Courts below within the realm of illegality and perversity. No ground for interference is made out. The second appeal stands dismissed.

Since the appeal is accompanying by an application for condonation of delay of 272 days no reasonable explanation has been given

for filing the appeal beyond the period of limitation. Resultantly, the application for condonation of delay is also dismissed.

(AMIT RAWAL)
JUDGE

November 15, 2018

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No