

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

RSA No.6481 of 2016 (O&M)

Date of decision:19.11.2018

Nasib Devi

... Appellant

Vs.

Sat Pal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amit Kumar Jain, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.16991-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 305 days in re-filing the appeal is condoned.

C.M. stands allowed.

RSA No.6481 of 2016 (O&M)

The appellant-plaintiffs have not been successful in laying challenge to the sale deed dated 24.08.2006 allegedly executed by her alongwith her sisters, Mangti Devi and Gango Devi.

It was alleged that plaintiff, on demise of Raunki Ram, had become the owner of the suit property according to her share as she along with her two sisters and defendants No.1 and 2, brothers had acquired 1/5th share .

The defendants opposed the suit and supported the sale deed which has been executed against the valuable consideration. It was a case of greed.

On preponderance of the evidence, the trial Court dismissed the suit and the appeal laid before the Lower Appellate Court was also dismissed.

Mr. Amit Kumar Jain, learned counsel appearing on behalf of the appellant-plaintiff submitted that defendants had played a fraud and misrepresentation upon the plaintiff and no such sale consideration of ₹4,25,000/- as reflected in the sale deed was ever received, therefore, there is gross illegality and perversity in the findings rendered by both the Courts below. Even if the plaintiff had not initiated any criminal proceedings against the defendants, the said angle should have been examined.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, if at all, there was dispute amongst the sisters qua apportionment of sale consideration, there is no ground to file the suit challenging the sale deed. The sale deed, *ibid*, is a registered document and carried a presumption of truth. The best possible evidence to prove the fraud, was to initiate the criminal proceedings. In the absence of the same, the Court below had no other option but to dismiss the suit.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees under challenge which are based upon the appreciation of oral and documentary evidence, much less no

substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

November 19, 2018

savita

(AMIT RAWAL)
JUDGE

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