

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

RSA No.6494 of 2016
Date of decision: 04.07.2018

Jaswant Kaur

..... Appellant

Versus

Bharpur Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Mohinder Singh Joshi, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing the suit for declaration to the effect that the plaintiff is owner in possession of the land measuring 71 kanal and 9 marlas which was transferred in favour of her four sons vide registered transfer deed dated 08.08.2005.

Plaintiff claims that such transfer deed is result of mis-representation and fraud. The transfer deed has been executed and registered with the Sub-Registrar, Nabha and two marginal witnesses of the aforesaid transfer deed are Tarlochan Singh and Harmail Singh. Tarlochan Singh is son of brother of the plaintiff. The plaintiff in support of her case examined herself and her daughter Baljit Kaur in evidence. The Courts have found that on the basis of evidence led by the plaintiff, fraud or misrepresentation is not established. Still further, it is the pleading of the plaintiff herself that she was having no faith on the defendants but

daughters of the plaintiff persuaded her to believe on the defendants. It is not in dispute that the fraud and misrepresentation has to be proved beyond any reasonable doubt like in a criminal case.

Although, learned counsel for the appellant made sincere attempt to persuade this Court to take a different view, however, keeping in view the fact that the learned counsel failed to point out any substantive error or misreading of the evidence, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

04.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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