

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

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**RSA-6068-2015 (O&M)
Date of Decision : 14.08.2018**

Barkha Ram and others

..... Appellants

Versus

Ishwar Chand

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Amit Gupta, Advocate
for the appellants.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the predecessor-in-interest of the appellants. It may be mentioned here that the present parties are all brothers.

Originally the mother had filed a suit against her stepson – respondent claiming that there was earlier litigation between her and the respondent and in that litigation a compromise had been effected whereby in consideration of an amount of Rs.8.25 lakhs the respondent had agreed to give up his entire claim in the parental property. This suit was filed two days before the expiry of the period of limitation. The case of the respondent on the other hand was that actually he had never entered into any compromise as alleged. However, one of his brothers had agreed to purchase the property by way of agreement. As the appointed date approached he was running short of money and he prevailed upon the

respondent to give him an extension. Both the parties went to the court complex to get the extension typed but the typist was busy and asked him to sign on a paper which he did in good faith. Later on his mother misused that blank signed paper in collusion with his stepbrother to file this suit. Both the courts below noticed that the attesting witnesses of the compromise deed who had appeared as plaintiff's (predecessor-in-interest of the appellants) witnesses accepted that actually the parties had come to the court complex to execute an extension document. They consequently held that the appellants have not been able prove the case and dismissed the suit and that is how this appeal has been filed.

Counsel for the appellants has argued that at one place the respondent had accepted that he had entered into a compromise with his stepmother. That may be so, but at least it is clear that the document set up by the appellants was not that compromise. There is no explanation that if the respondent left his share in the father's why only one person made him the payment.

In the totality of circumstances, I am not persuaded that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

August 14, 2018
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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No