

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

RSA No.1297 of 2017 (O&M)

Date of decision : 09.07.2018

Smt. Koyali

...Appellant

Versus

Satyanarain and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P. Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff seeks to challenge a Civil Court decree passed on 19.11.1986 on the ground that it is based on fraud. The plaintiff has also challenged the sale deed executed in favour of Ghisa Ram, husband of defendant No.2 and father of defendant Nos.3 to 7.

Both the Courts below after examining the evidence have noticed that the plaintiff had appeared in the Court and also suffered a statement admitting the claim of the plaintiff in the suit which was decided in the year 1986. The Courts have further noticed that the possession of the property was also delivered to defendant No.1. The learned First Appellate Court has also noticed that the plaintiff has not examined in evidence the counsel which was representing her. The appellant is a issueless widow who

in a family settlement acknowledged the transfer of the property in favour of the son of her sister-in-law. Still further, the decree passed in the year 1986 has been challenged after a period of 22 years. Both the Courts after examining the evidence available on the file have recorded the concurrent finding, which is neither shown to be perverse nor result of any mis-reading or non-reading of the substantive evidence.

In view thereof, there is no ground for interference.

Regular Second Appeal is dismissed.

09.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No