

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

RSA No. 158 of 2017 (O&M)
Date of decision : August 10, 2018

Smt. Triveni Devi

..... Appellant

v.

Amar Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. CB Goel, Advocate
for the appellant.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

Brief facts are that the appellant had challenged the release deed which she had executed in favour of her nephews. Her specific plea was that the said deed was obtained by them by fraud by representing to her that it was a power of attorney to get compensation for damaged crops. It was her further specific plea that she had never appeared before the Tehsildar.

Both the Courts below found that the relinquishment deed was a registered document. The Courts further found that apart from the oral testimony of the appellant and one brother, she had led no evidence of fraud and ultimately dismissed the suit. Same arguments have been raised before

me. In my opinion, the Courts below have rightly held that it was incumbent upon the appellant to have proved the fraud. Both the Courts below also noticed that the plea of fraud (even in a civil suit) has to be proved beyond reasonable doubt.

In the totality of the circumstances, I am not persuaded that the judgments of the Courts below holding that the appellant has not been able to prove the fraud are either based on no evidence or are based on such misreading of evidence so as to render the same so perverse as to be liable for interference in second appeal. Consequently, finding no merit, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 10, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No