

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

108

RSA No.1855 of 2017 (O & M)
Date of Decision:13.07.2018

Darbara Singh

...Appellant

Versus

Shingara Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

ANIL KSHETARPAL, J.(Oral)

This appeal was filed on 13.02.2017. Since then it has just been adjourned. The case has been called thrice. However, no one has come present to argue the appeal on behalf of the appellants. Hence, this Court is left with no choice but to read and decide.

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff (son of Smt. Seebo) has challenged the sale deed executed by his mother in favour of the defendants i.e. her other sons on 25.11.2009. Sale deed was challenged on the ground that it is forged and fabricated document.

Both the Courts below have noticed that the plaintiff has failed to lead any evidence to prove that the sale deed is not executed by Smt. Seebo or it is result of forgery.

Still further, learned First Appellate Court has noticed that on

the sale deed, photograph of the executant i.e. Smt. Seebo has been printed and the plaintiff when appeared in the witness box admitted that the photographs printed on the sale deed are of Smt. Seebo and Shingara Singh, defendant No.1.

In the grounds of appeal neither any specific misreading of evidence has been pointed out nor any perversity in the judgment has been shown.

Learned counsel for the appellant has proposed the following substantial questions of law, which are neither questions of law nor details thereof have been given as to how the findings arrived at by the Courts is result of misreading or mis-appreciation of evidence.

“(i) Whether the findings recorded by the ld. Courts below are based upon misreading and misappreciation of the evidence and are based upon surmises and conjectures and are worth to set aside?”

(ii) Whether the findings recorded by ld. Courts below are result of non application of mind of the ld. Courts below?

(iii) Whether the judgments of the Courts below are liable to be set aside, as no issues wise findings has been given and the ld. Courts below were under legal obligation to give a detailed judgment issue wise on facts and law?

(iv) Whether the manifest injustice has been caused to the appellant?”

In view thereof, there is no scope for interference.

Regular second appeal is dismissed.

Consequently, no order is required to pass in the application seeking condonation of delay of 127 days.

All the miscellaneous applications, if any, are disposed of, in view of the above said judgment.

13.07.2018
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(ANIL KSHETARPAL)
JUDGE

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