

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

RSA No.1432 of 2018 (O&M)

Date of decision:29.08.2018

Phool Singh

... Appellant

Vs.

Ravinder Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Mazlish Khan, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.3670-C of 2018

For the reasons stated in the application which is duly supported by an affidavit, delay of 02 days in filing the appeal, is condoned.

C.M. stands disposed of.

RSA No.1432 of 2018 (O&M)

The appellant-plaintiff has not been successful in claiming the relief of declaration and permanent injunction for setting aside the sale deed No.3695 dated 27.02.2013 allegedly executed by defendants No.1 and 2 in favour of defendants No.3 and 4 on the premise that property at the hands of Nihal Singh was ancestral.

The aforementioned suit was contested by the defendants disputing the nature and character of the property. It was stated that property was sold by the defendants against the valuable consideration having self-

acquired ownership. The plaintiff did not appear in cross-examination except as PW1 nor summoned any document i.e., excerpt from the revenue department to establish the nature and character of the property. In such circumstances, the Court had no other option but to dismiss the suit. No effort has been made before the Courts below for placing on record additional evidence or before this Court to make out a case for interference.

In my view, the plaintiff has been miserably failed to discharge the onus as enshrined under Section 101 of the Indian Evidence Act. Had the plaintiff taken any steps to place on record the additional evidence, there could have been some force in the arguments of Mr. Khan.

No ground is made out for interference in the impugned judgments and decrees of the Courts below which are based upon the appreciation of oral and documentary evidence.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 29, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No