

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

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RSA No.2099 of 2017(O & M)
Date of Decision:10.01.2018

Krishan Kumar

...Appellant

Versus

Dalip Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Singh Yadav, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

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

Plaintiff filed a suit for declaration challenging the sale deed executed on 11.08.2008. Plaintiff claimed that he was kidnapped and compelled to execute the sale deeds dated 11.08.2008 with respect to house on a plot measuring 100 square yards. It was further pleaded that the defendant had assured to pay a sum of Rs.9,00,000/- but they did not pay.

In the written statement, the defendant pleaded that the entire suit filed by the plaintiff is based on false facts and the plaintiff has concealed the fact that there was a written agreement to sell between the parties dated 07.08.2008 wherein the plaintiff had received a sum of Rs.19,30,000/-. Apart from signing the agreement to sell, the plaintiff had also signed receipt in token of Rs.19,30,000/-.

Both the Courts after appreciating the evidence available on the file, dismissed the suit filed by the plaintiff on two grounds; (i) concealment of fact by the plaintiff, and (ii) the plaintiff failed to prove the plea set up by

him.

Learned counsel for the appellant has very vehemently argued that the payment of the consideration under the sale deed is not proved on file. He has submitted that in the absence of proof of payment of consideration, the sale has to be set aside.

In the considered opinion of this Court, there is no substance in the argument. Sale deed is a registered document, which has a presumption of correctness. It has also a presumption of having been executed and registered in accordance with law. Still further, a sale deed cannot be set aside on the ground that consideration has not been paid.

Both the Courts after appreciating the evidence available on the file have found that in fact the payment has been made and the plaintiff has filed the suit by concealing and with-holding material facts, therefore, he is not entitled to any relief whatsoever.

In view thereof, there is no scope for interference.

Hence, this present regular second appeal is dismissed.

10.01.2018

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(ANIL KSHETARPAL)

JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No