

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

RSA-236-2017 (O&M)
Date of Decision : 27.3.2018

Ranjit Singh and another

....Appellant

vs.

Karnail Singh

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Siddarth Gupta, Advocate
for the appellant(s).

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for declaration filed by the respondent wherein he had alleged that the appellant had fraudulently sold his share in the house being an attorney without transmitting any money to him for the same.

The case of the appellant was that in fact at the time when the power of attorney was given to him he had made the full payment of the share of the respondent and therefore there was no fraud on his part. The Courts below found that the appellant had sold share in house to his wife and was not able to prove that any money was transmitted to the respondent as a result of sale deed and consequently decreed the suit.

Even I put it to the learned counsel how and in what circumstances the appellant had given huge amount to the respondent and had not even obtained a receipt. Counsel states that it was because of the

relationship.

In my considered opinion, once it was the case of the appellant that he had paid the full consideration it was incumbent upon him to prove the said and having not been able to prove it, no fault can be found with the judgments of the Court below. Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

27.3.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No