

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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RSA No.2400 of 2017 (O&M)

Date of decision: 23.10.2018

Saroj Rani and others

..... Appellants

Versus

Chanchal Rani and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Amit Arora, Advocate  
for the appellants.

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**ANIL KSHETARPAL, J. (ORAL)**

Plaintiffs No.4 to 6-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Undisputed facts are that late Sh. Hans Raj was owner of the property. He transferred the property by registered sale deed in favour of defendant No.1, his daughter-in-law dated 07.08.2012. Although, the plaintiffs claim that the property is ancestral property as the plaintiffs sold a house and purchased the present house, however, no reliable evidence has been led to connect the sale consideration received from the previous sale transaction and purchase of the present house. Rather, it has been proved that a vacant piece of plot was purchased vide sale deed dated 15.11.1977 and after taking loan, Hans Raj constructed the house. The sale deed is registered bearing photograph of the Sub-Registrar, attesting witnesses and the vendor Hans Raj. The photograph of the vendor is not disputed.

Learned counsel for the appellants submitted that the sale deed

was a sham transaction as payment of sale consideration has not been proved. It is not disputed that receipt of sale consideration is specifically recorded in the sale deed. Sh. Hans Raj during his life time has never challenged the aforesaid sale deed. The sale deed also bears thumb impression of Hans Raj on each page apart from thumb impressions at the time of registration of the document. No evidence has been led to prove that these thumb impressions were not of Hans Raj.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Appeal is dismissed.

**23.10.2018**  
Dinesh Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

Whether speaking/reasoned      Yes / No

Whether Reportable      Yes / No