

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

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**RSA-2891-2017 (O&M)
Date of Decision : 14.08.2018**

Bhagwan Sahai

..... Appellant

Versus

Birwati and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Aditya Sanghi, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The case of the appellant was that he and the respondent No.1 had agreed to exchange certain land but when the exchange deed was scribed the respondent No.1 by playing fraud gave the number of some inferior land and thereby managed to exchange their inferior land with superior land of the appellant. Both the courts below held that once the appellant had taken a plea of fraud he had to prove it beyond reasonable doubt and in the present case he has not been able to prove it and dismissed the suit and that is how the appellant is before this Court.

Both the courts below held that once the document of exchange was a registered document and that even at the time of mutation no objection was raised, the appellant cannot now take the plea of fraud, Further both the courts below further held that the bald plea that the respondent No.1 colluded with the scribe to defraud him would not carry weight.

Counsel for the appellant has not been able to persuade me that the findings recorded by the courts below are either based on no evidence or based on such a perverse misreading of evidence so as to justify the interference of this Court in second appeal.

Appeal is dismissed. No costs.

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

August 14, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No