

DIWAKER GULATI  
2018.09.18 11:25

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

**RSA No.3421 of 2017(O&M)**

**Date of decision: 7.9.2018**

Rajnish Jain

....Appellant

VERSUS

Sudesh Sharma (since deceased) through LRs

.....Respondent

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**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. D.D. Singla, Advocate for  
Mr. Vikas Chaudhary, Advocate for the appellant.

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**REKHA MITTAL, J. (Oral)**

**CM No.8232-C of 2017**

Heard.

Allowed as prayed for.

The persons mentioned in para 2 of the application are allowed to be brought on record as legal representatives of Sudesh Sharma – respondent (since deceased) for the purpose of present lis, subject to just exceptions.

Disposed of accordingly.

**RSA No.3421 of 2017**

The present appeal directs challenge against concurrent findings recorded by the Courts whereby challenge to the sale deed dated 18.05.1998 executed by Sh. Adesh Kumar Jain, father of plaintiff in favour of the respondent/defendant has been negated by the Courts below.

The sole submission made by counsel for the appellant is that the respondent by way of misrepresentation got signed some papers from

father of the appellant without consideration and executant of the sale deed did not know contents thereof.

Counsel for the appellant, in response to a query, would inform that Sh. Adesh Kumar Jain, his father is alive. Indisputably, neither the executant challenged the sale deed nor he was examined to substantiate plea of the appellant that the sale deed is the result of misrepresentation. That being so, I do not find an error much less illegality in consistent findings recorded by the Courts, warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 92 days in re-filing the appeal is of academic relevance only. No order as to costs.

**SEPTEMBER 7, 2018**

‘D. Gulati’

**(REKHA MITTAL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | yes/no |
| Whether reportable        | : | yes/no |