

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

RSA No.3504 of 2017 (O&M)

Date of decision : 24.09.2018

Ajit Kaur and others

...Appellants

Versus

Kulwinder Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sandhir, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs claim that they are owners in possession of the land measuring 47 kanals 18 marlas on the basis of the Will executed by Pritam Singh in favour of his wife Gurmej Kaur who had further executed the Will in their favour. The plaintiffs further alleged that the gift deed setup by the defendants is illegal and forged.

On the other hand, defendant who is wife of grandson, has pleaded that Gurmej Kaur had executed a gift deed dated 26.02.2000 which was registered on 13.03.2000 and, therefore, Gurmej Kaur was left with no right, title or interest.

Both the Courts after examining the evidence have found that gift deed is proved by statement of two attesting witnesses namely Balwinder Singh, Member Panchayat and another Balwinder Singh, who have been examined as DW1 and DW2. It has further been found by the

Court that the gift deed bears the photograph of the donor as well as donee.

Learned counsel appearing for the appellants has submitted that the Scribe has admitted that the thumb impression of the Executant were taken when she was in her village. Hence, submitted that the execution of the gift deed is not proved.

This Court has seen the photocopy of the gift deed produced by the learned counsel for the appellants. The gift deed is registered on 13.03.2000 and on the same day, on the endorsement of the Sub-Registrar, printed on the reverse of the first page. Late Sh. Gurmej Kaur had also thumb marked before the Sub-Registrar at the time of the registration. The plaintiffs have produced no evidence to prove that the thumb impression of Gurmej Kaur do not exist either on the gift deed or on the endorsement. The minor contradictions in the oral evidence of the witnesses or the Scribe cannot be used to doubt the veracity and correctness of a registered gift deed. Still further, the gift has been executed in favour of wife of grandson.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

24.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No