

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3588 of 2017

Date of decision : November 15, 2018

Boda Ram (deceased) through his L.Rs

..... Appellants

Versus

Birmati Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sumer Singh, Advocate for
Mr. J. P. Jangu, Advocate
for the appellants.

AMIT RAWAL, J (oral).

CM No. 8665-C of 2017

This is an application under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 4 days in filing the appeal is condoned.

CM No. 8664-C of 2017

This is an application under Section 151 CPC seeking condonation of delay in refiling the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 262 days in refiling the appeal is condoned.

The application stands disposed of.

RSA No. 3588 of 2017

The appellants-plaintiffs had not been successful before the court below in laying challenge to the sale deed dated 1.6.2007 executed by Rampat in favour of the defendants on the premise that Rampat was their brother who died issueless and did not execute the Will as it was a result of

fraud and mis-representation. Though the courts below did not agree to the aforementioned assertion or evidence but neither the relationship nor evidence under Section 50 of the Indian Evidence Act, 1872 to establish relation with Rampat was brought on record. Neither any witness of the sale deed has been examined to establish that it was actually not executed by Rampat but somebody else.

In the absence of any evidence, the Courts below had no occasion but to dismiss the appeal. No fresh argument has been made in order to form a different opinion.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

November 15, 2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No