

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

**RSA No.515 of 2017 (O&M)
Date of Decision:11.10.2018**

Rajbir Singh

...Appellant

Versus

Smt. Naresh Malik and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sudhir Hooda, Advocate
for the appellant.

ANIL KSHETARPAL, J.(oral)

CM No.1108-C/2017

For the reasons stated in the application, which is duly supported
by an affidavit, delay of 09 days in re-filing the appeal is condoned.

Application is allowed.

CM No.1109-C/2017

For the reasons stated in the application, which is duly supported
by an affidavit, delay of 02 days in filing the appeal is condoned.

Application is allowed.

Main Case

Plaintiff-appellant is in the Regular Second Appeal against the
concurrent finding of the facts arrived at by the Courts below.

Plaintiff and defendant No.1 are husband and wife. A property was
purchased in the name of defendant No.1 i.e. wife who has further sold the

property to defendant No.2 who is third party. Plaintiff filed a suit claiming that the sale consideration which was paid by defendant No.1 had been withdrawn from a joint account.

Learned counsel submits that the aforesaid property in fact belongs to him. Both the Courts have examined the evidence in detail and have found that the plaintiff has failed to prove his case. Further the Courts have noticed that sale-deed executed by defendant No.1 in favour of defendant No.2 has not been challenged. Still further the Courts have noticed that as per the provisions of Benami Transactions (Prohibition) Act 1988, such suit would not be maintainable. Learned Counsel for the appellant could not draw attention of the Court to any perversity or mis-reading or non-reading of substantive evidence.

Hence, there is no ground to interfere.

Regular Second Appeal is dismissed.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

October 11, 2018

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Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No