

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

123

**RSA-5283-2017 (O&M)
Date of Decision : 24.07.2018**

Lakha Singh

..... Appellant

Versus

Kanta and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Sushil Bhardwaj, 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 admitted facts are that the appellant had challenged a registered release deed which he had executed in favour of his daughter-respondent No.1. His averment was that he had requested his advocate to execute a general power of attorney but the advocate in collusion with the respondent No.1 (his daughter) got executed the released deed. The appellant did not lead any other evidence. On the other hand, the respondent No.1 examined the witnesses as well as the Registrar. Both the courts below came to the conclusion that the appellant had not been able to prove his case and dismissed the suit and that is why the appellant is before this Court.

The only argument raised by the counsel for the appellant is that at once place in her statement the respondent No.1 had stated that

though her father had executed the release deed voluntarily she would have no objection if he wanted to rescind the same. Both the courts below have noticed that this argument and have held that this would not prove the case of the appellant. Even at the risk of repetition it may be mentioned here that the case of the appellant was that the release deed had been got executed by him by fraud. Once the appellant was not able to prove this, the courts below could not be said to have erred in dismissing the suit.

Appeal is dismissed. No costs.

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

July 24, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No