

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

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RSA-5702-2017 (O&M)

Date of Decision : 27.07.2018

Rupinder Kaur

..... Appellant

Versus

Kuldeep Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Ajay Singla, Advocate
for the appellant(s).

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent findings of fact arrived at by the Courts below dismissing the suit filed by the appellant.

Since very limited issue has arisen, detailed reference to the facts would not be required. Suffice it to say that the agreement to sell and the receipt of the earnest money was proved. The respondent also proved his presence in the office of Sub-Registrar on the appointed day. Interestingly, the appellant also proved her presence before the Sub-Registrar on the appointed day. The reasons which weighed with both the Courts in dismissing the suit was that the appellant had not proved from where she had arranged the balance sale consideration amount. Evidence was led that the money had come from the sale of a plot but neither the sale deed nor even the details of the plot sold were placed on record. On the other hand, the respondent had proved on record the maintenance application filed by the appellant against her husband wherein she stated that she had no money or source of livelihood.

In these circumstances, both the Courts below had rightly held that the appellant was not able to prove that she had the balance sale consideration amount.

Learned counsel has argued that the appellant and her father had appeared and mentioned that the money had been arranged by her father by sale of plot. However, he has not submitted any sale deed nor any details of the plot sold.

In these circumstances, it is hard to find any fault in the judgments of the Courts below.

Appeal is dismissed.

Since main case is dismissed pending application(s) if any shall stand disposed of.

July 27, 2018
A.Kaundal

(AJAY TEWARI)
JUDGE

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