

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5903 of 2017 (O&M)

Date of decision: 13.09.2018

Naruddin @ Nasruddin

..... Appellant

Versus

Indira Finance Company and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munfaid Khan, Advocate, for
Mr. Amit Kumar Jain, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing his suit for declaration with a consequential relief of permanent injunction.

Plaintiff in fact challenges the General Power of Attorney dated 19.05.2003, lease deed dated 06.05.2003 and sale deed dated 18.05.2004 executed by him. The plaintiff claims that he was owner to the extent of 1/4th share in the land measuring 131 kanals and 7 marlas and he contacted the defendants for taking loan but his thumb impressions were obtained on various documents. It is further pleaded case of the plaintiff that after four months, he was once again called under the pretext that a mortgage deed is to be executed but the sale deed has been executed.

The defendants contested the suit and pleaded that the plaintiff had purchased a truck as he was a professional driver. However, once he was not able to repay the loan, therefore, in order to discharge the loan, he

executed these documents.

Both the Courts below after appreciation of evidence have concurrently found that the sale deed has been executed by the plaintiff with his free will and volition. The Courts have further found that the plaintiff has failed to prove the assertions made in the plaint. The learned First Appellate Court have also found that the suit fled by the plaintiff was time barred as the sale deed executed on 18.05.2004 has been challenged in a suit filed on 21.04.2009.

Learned counsel for the appellant could neither point out any error in appreciation of evidence nor any substantive misreading or non-reading of evidence by the Courts below.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

CM-15516-C-2017

The appeal is filed with an application for condonation of delay of 735 days. Keeping in view that the appeal has been dismissed on merits, no further order on the application is required to be passed.

Application stands disposed of in terms of the judgment passed by this Court.

13.09.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No