

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

RSA No.94 of 2017 (O&M)

Date of decision: 01.10.2018

Usha Rani

..... Appellant

Versus

Ghanshyam Dass (deceased) through
his LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Malkeet Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-179-180-C-2017

Both the applications are allowed and the delay in filing and re-filing the appeal are condoned.

Main Case

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below dismissing the suit filed by the plaintiff for declaration challenging the transfer deed executed by her father Punnu Ram in favour of defendants No.2 to 8 who are related to Punnu Ram.

It is not in dispute that Punnu Ram was not having any male child. The plaintiff-appellant was married 31 years back and started residing in-laws house at Sonapat. It is further not in dispute that Punnu Ram had previously transferred certain property by way of family settlement in favour of his wife and daughter which was duly

acknowledged in a Civil Court decree.

Both the Courts on appreciation of evidence have found that the transfer deed dated 28.02.2002 is proved to have been executed and got registered by Punnu Ram. The photograph of the Punnu Ram is also affixed on the aforesaid transfer deed.

Learned counsel for the appellant submitted that Punnu Ram was educated man and he used to put his signatures in Urdu whereas in the present transfer deed, his thumb impressions had been affixed. However, learned counsel for the appellant admitted that the plaintiff has not led any evidence to prove that the thumb impression of Punnu Ram do not exist on the transfer deed. Still further, as noted above, the photograph of Punnu Ram has been affixed, correctness whereof is not being disputed.

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

Appeal is dismissed.

01.10.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No