

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

CRM-A-1957-MA-2017 (O&M)

Date of decision : 10.04.2019

Devki Nandan Gupta

...Applicant/appellant

Versus

Nirmal Gupta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Mamli, Advocate for the applicant/appellant.

ANIL KSHETARPAL, J. (ORAL)

Leave to file an appeal has been sought under Section 378(4) of the Code of Criminal Procedure.

Daughter of the appellant, Vidhi Gupta was married to Amit Gupta. A luxury home was booked in the name of Vidhi Gupta to the extent of half share. Allegations are that accused No.1 i.e. Nirmal Gupta, mother of Amit Gupta got transferred the aforesaid half share in the luxury home in her favour on the basis of affidavit dated 01.08.2006 when Smt. Vidhi Gupta was not in India.

Learned Chief Judicial Magistrate after examining the evidence found that later on, there was matrimonial discord between Amit Gupta and Vidhi Gupta which has resulted into litigation. The Court has also noticed that Vidhi Gupta has not appeared in evidence to face the cross-examination.

This Court has heard learned counsel for the applicant/appellant at length and with his able assistance gone through the impugned judgment passed.

Learned counsel on question from the Court has admitted that Smt. Vidhi Gupta also filed a civil suit challenging the aforesaid transfer but had withdrawn the same. However, he insisted that once it is proved and rather admitted that on 01.08.2006 Smt. Vidhi Gupta was not in India, therefore, affidavit which has been used for changing the name, is forged. It may be noted that the correctness of the signatures on the affidavit are not disputed.

Keeping in view the relationship between the parties and the civil suit having been withdrawn, this Court does not find any reason to grant leave to appeal.

Dismissed.

10.04.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No