

RSA No.5004 of 2015 (O&M)

{1}

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

RSA No.5004 of 2015 (O&M)

Date of decision:13.02.2019

Surinder Kaur

... Appellant

Vs.

Baljit Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Chandan Singh Rana, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of four Regular Second Appeals bearing Nos.5004, 4928, 4930 and 5388 of 2015. The facts are being taken from RSA No.5004 of 2015.

The appellant-plaintiff has not been successful in setting aside the sale deed dated 26.08.1999 in a suit filed on 22.08.2002 allegedly executed by him in favour of the defendant regarding ½ share in house measuring 232 square yards No.B-21-13889 (Old), B-21-1480 (New) situated at Dholewal, Tehsil and District Ludhiana on the ground that sale deed was not valid and legal document, therefore, was not binding. The sale deed was without sale consideration, much less non-appearance before the office of Sub-Registrar.

The defendant opposed the suit and stated to be an act of cheating and greed as it was voluntary act of the plaintiff to execute the sale deed. It was for consideration.

Mr. Chandan Singh Rana, learned counsel appearing on behalf of the appellant-plaintiff submitted that alleged admission in the cross-examination could not be a ground for non-suiting the plaintiff as ingredients of fraud and mis-representation had been proved to the hilt.

I am afraid the aforementioned argument is not sustainable as on the first date of hearing when the attorney of the plaintiff appeared for cross-examination did not bring the original sale deed but on the next date admitted that other sale deeds were also got registered and bore his signatures. The persons may tell lie but the documents cannot. To a specific question, it was admitted that on the date of the execution of the sale deed, plaintiff alongwith his wife had gone to the deed writer Surender Sahni and executed the sale deed in question. In such circumstances, the Courts below had no other occasion but to dismiss the suit.

As an upshot of my findings, arguments of Mr. Chandan Singh Rana, are not able to bring the case within the realm of illegality and perversity to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 13, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No