

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

**R.S.A. No 2283 of 2018
Date of decision : 10.12.2019**

Ranjit KaurAppellant

versus

Surinder Pal Singh and ors. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.K. Sajjan, Advocate
for the appellant.

RITU BAHRI, J.

The present appeal is directed against concurrent finding of facts recorded by both the Courts below whereby suit filed by plaintiff/appellant for declaration, has been dismissed.

After going through the judgments passed by both the Courts below, the present appeal is liable to be dismissed, as the case of the plaintiff/appellant was that defendant No. 1 is husband of the plaintiff and he inherited the land in question from his grand father Surain Singh by way of will executed by Surain Singh in favour of defendant No. 1. The plaintiff along with her children had thus right in the suit land. Defendant No. 1 in order to defeat the rights of the plaintiff and her children has fraudulently executed the sale deed in favour of the defendants without any consideration.

Both the Courts below had dismissed the suit of the plaintiff-appellant as the plaintiff did not step into the witness box despite availing number of opportunities and the plaintiff did not examine any other witness to prove her case on oath. Reference has been made to judgment of Hon'ble the

Apex Court in a case of ***Vidyadhar vs. Mankikrao and another, 1999 (2) CCC,***

91 (S.C)-1999 (1) ACJ 438 (S.C) wherein it has been held that a party not entering into witness box to state his own case on oath and not offering himself to be cross examined by the other side attracts presumption that the case set up by him is not correct.

Learned counsel for the appellant has argued that even if plaintiff did not appear into witness box, the Court was required to decide issue No. 8 that “whether the defendant is a bonafide purchaser”

This argument is liable to be rejected as even if defendant was not a bonafide purchaser, since the plaintiff has not led any evidence nor appeared into witness box, the suit has rightly been dismissed, in view of ***Vidyadhar's case (supra)***.

The concurrent findings of facts recorded by both the Courts does not require any interference by this Court.

No substantial question of law arises for adjudication by this Court.

The appeal stands dismissed.

December 10, 2019
G Arora

(RITU BAHRI)
JUDGE