

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

RSA No. 2518 of 2018(O&M)

Date of decision: 18.1.2019

Murari Lal

.....Appellant

VERSUS

Priti and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramender Chauhan, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings of fact whereby suit for declaration filed by the appellant/plaintiff was dismissed by the trial Court vide judgment and decree dated 25.07.2016 and appeal preferred by unsuccessful plaintiff was rejected by the District Judge, Bhiwani vide judgment and decree dated 21.08.2017.

The appellant/plaintiff claimed himself to be owner in possession of plot measuring 50 square yards out of 300 square yards comprised in khewat No.805/773 katas 8 measuring 44 kanals 11 marlas vide mutation No.21663 dated 11.10.2010. It is averred that appellant was in need of money for which he entered into agreement to sell the suit property for sale consideration of Rs.14,00,000/-. Out of the agreed amount, a sum of Rs.4,00,000/- was paid under a false representation for giving statement in an office. Later the appellant came to know that sale deed bearing No.11807 dated 13.02.2014 has been executed in favour of defendants on account of signatures made by the plaintiff. It is further

averred that sale deed aforesaid is the result of fraud played upon plaintiff and the same may be held null and void.

The Courts have consistently held that the appellant/plaintiff has failed to give particulars of fraud played upon him nor substantiated his plea that sale deed aforesaid is the result of fraud practised upon him. Counsel for the appellant has failed to point out materials on record that has been ignored by the Court or the materials which have been wrongly taken into consideration while negating plea of the appellant that sale deed in question is the result of fraud played upon him. In this view of the matter, it is difficult to accept contention of the appellant that concurrent findings of fact suffer from perversity or the present appeal gives rise to a question of law that needs determination after notice to the contesting party.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine without any order as to costs.

JANUARY 18, 2019
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no