

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.3280 of 2017 (O&M)
Date of Decision.06.05.2019

Darshan Singh

...Appellant

Vs

Narinder Kaur

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. N.K. Manchanda, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff having not been successful in Courts below in challenging the sale deed dated 3.1.2001 is before this Court for interference as the impugned judgments and decrees suffer from illegality and perversity on the premise that he had been selling crop to the husband of the defendant being the commission agent and there was no intention to execute the sale deed. He had approached the office of Registrar for execution of the documents as security of loan, which converted into sale deed.

Defendant opposed the suit and stated that sale deed for 7 kanals 7 marlas was executed for valuable consideration of ₹1,30,000/-. It was a voluntary act and attested by three witnesses.

Both the parties led in extensive evidence, particularly, the defendant examined document writer Mangal Singh, DW1, Balbir Singh, DW2 as marginal witness of the sale deed.

Mr. Manchanda, learned counsel appearing on behalf of the appellant submitted that though the steps were taken by the defendant to verify the thumb impression of the plaintiff to be of his but the fact remains that intention was to give security for the purpose of

obtaining loan and not for sale deed, which was an act of fraud and misrepresentation. The suit was filed with promptitude on acquiring such knowledge.

I am afraid aforementioned argument is not sustainable, as the deed writer and the attesting witness had been coherent and consistent despite extensive cross-examination with regard to intention of the parties. The plaintiff has not been able to belie his signature/thumb impression on the sale deed through the assistance of any expert. All these factors lead to irresistible conclusion that he had actually intended to part with the property and not for security for obtaining loan.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 06, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No