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

RSA No.4259 of 2017 (O&M)
Date of Decision.31.01.2019

Anguri ...Appellant

Vs

Om Pati Devi ...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Sharmila Sharma, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.11070-C of 2017

For the reasons stated in the application, delay of 76 days in filing of the appeal is condoned.

Application is allowed.

RSA No.4259 of 2017

The present regular second appeal is directed against the concurrent finding of fact whereby the suit of the appellant-plaintiff for declaration by laying challenge to the registered relinquishment deed dated 29.09.2007 being illegal, null and void and a result of fraud and misrepresentation, has been dismissed by the trial Court and affirmed by the lower Appellate Court.

Plaintiff in the plaint alleged that her intention was to relinquish the property in favour of nephew and not in favour of sister-in-law. The defendant fraudulently got the relinquishment deed registered in the office of registrar as the plaintiff was under the impression that she is transferring the property in favour of nephew.

Defendant denied the allegations made in the plaint and

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supported the act of the plaintiff of her own volition and good sense.

Ms. Sharmila Sharma, learned counsel appearing on behalf of the appellant submitted that ingredients of fraud and misrepresentation have been proved to the hilt but the Courts below abdicated in dismissing the suit.

I am afraid aforementioned argument is not sustainable, as during the course of trial, plaintiff in the cross-examination admitted appendation of signature on the relinquishment deed. Even otherwise intention was to give property to the nephew, who is none else but son of the defendant.

I do not find any illegality and perversity in the concurrent finding 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

January 31, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No

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