

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

RSA No.6554 of 2018(O&M)

Date of decision : 15.03.2019

Nachhattar Singh

...Appellant

Versus

Sadhu Singh(deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Dhaliwal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.18451-C of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 36 days in filing the appeal is condoned.

Application is allowed.

Main case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing the suit filed by him for declaration with joint possession. Plaintiff has basically challenged the sale deed executed by him

on 09.08.1994 by filing a suit in the year 2011 on the ground that it is result of fraud.

Both the Courts below on appreciation of evidence have found that the plaintiff has failed to prove and substantiate his plea of fraud. The Courts below have further found that the reason for filing the suit is obvious because Birbal Singh was appointed as Enquiry Officer against the appellant and he had given adverse report against him, which resulted into registration of an FIR.

Learned counsel for the appellant has submitted that the signatures of the plaintiff on the sale deed has not been proved. He has drawn attention of the Court to the opinion of the private Handwriting and Fingerprint Expert Navdeep Gupta to that effect.

On careful reading of the judgment, it is apparent that defendants had also examined a Handwriting and Fingerprint Expert who had opined that the signatures of the plaintiff match with the sale deed. Still further, marginal witness has been examined who has proved the execution and registration of the sale deed. The Courts below on appreciation of evidence have found that the report submitted by the expert examined by the defendants is more reliable.

In such circumstances, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Accordingly, Regular Second Appeal is dismissed.

All the pending miscellaneous application, if any, are disposed

of in view of the abovesaid judgment.

Dismissed.

15.03.2019

Rakesh/Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-Yes/No

Whether reportable:- **Yes/No**