

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 1631 of 2011 (O&M)

Date of Decision: 14.02.2020

Pritam Kaur (since deceased) through her legal heir

... Appellant(s)

Versus

Sahib Singh

... Respondent(s)

2. Regular Second Appeal No. 1656 of 2011 (O&M)

Pritam Kaur (since deceased) through her legal heir

... Appellant(s)

Versus

Harpreet Singh

... Respondent(s)

AND

3. Regular Second Appeal No. 1657 of 2011 (O&M)

Pritam Kaur (since deceased) through her legal heir

... Appellant(s)

Versus

Angrej Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Rai Singh Chauhan, Advocate
for the appellant.

Mr. Vinod Khunger, Advocate
for the respondent.

Anil Kshetarpal, J.

By this common order, three regular second appeals i.e. RSA-
1631-2011, RSA-1656-2011 & RSA-1657-2011 shall stand disposed of.

Learned counsel for the parties are also agreed that these three appeals can

be conveniently disposed of by a common order as the appellant in all these three appeals is also common. It is also submitted by learned counsel for the parties that the issue, which needs determination, is identical.

The plaintiff/appellant has filed these three appeals against the concurrent finding of fact arrived at by the Courts below while dismissing the suit filed seeking declaration with a consequential relief of permanent injunction. In fact she is challenging the registered sale deeds executed by her in favour of the defendants. She claims to be widow of Jarnail Singh. Since Jarnail Singh was issue-less, therefore, the couple is alleged to have adopted Parkash Singh, who was biological son of sister of Jarnail Singh. However, the relationship between Parkash Singh and Pritam Kaur were strained and taking advantage thereof, the defendants in different suits got the sale deed executed.

Both the Courts below, on appreciation of evidence, have found that the sale deeds were executed by the plaintiff/appellant with her free Will and volition and the plaintiff failed to prove any misrepresentation or fraud as is being alleged.

The regular second appeals in this Court are regulated by Section 41 of the Punjab Courts Act, 1918, which reads as under:

“41. Second appeals—(1) An appeal shall lie to the High Court from every decree passed in appeal by any Court subordinate to the High Court on any of the following grounds, namely :

(a) the decision being contrary to law or to some custom or usage having the force of law.

- (b) *the decision having failed to determine some material issue of law or custom or usage having the force of law.*
- (c) *a substantial error or defect in the procedure provided by the Code of Civil Procedure 1908 (V of 1908), or by any other law for the time being in force which may possibly have produced error or defect in the decision of the case upon the merits.*

Explanation—A question relating to the existence or validity of a custom or usage shall be deemed to be a question of law within the meaning of this section.

- (2) *An appeal may lie under this section from an appellate decree passed ex parte”.*

Although, the learned counsel for the appellant has made sincere attempt, however, fails to draw attention of the Court to any substantive error in reading or in appreciation of the evidence. Learned counsel further fails to point out any error of law. Hence, there is no ground to interfere.

Dismissed.

The miscellaneous application(s), if any, shall also stand disposed of.

**(Anil Kshetarpal)
Judge**

February 14, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No