

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

**RSA-1785-2013(O&M)**  
**Date of decision: 27.01.2020**

**Mukesh and others**

**.....Appellants**

**Versus**

**Hawa Singh and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present:- Mr.Ashwani Gaur, Advocate for the appellants**

**Mr. Sandeep K Sharma, Advocate for the respondents**

**ANIL KSHETARPAL, J. (ORAL)**

The plaintiff through his Lrs has filed the present appeal against concurrent findings of fact arrived at by the Courts below, while dismissing the suit for passing a decree for declaration to the effect that the release deed dated 15.1.2004 and subsequent mutation sanctioned on the basis thereof is illegal, null and void. Giani Ram, predecessor in interest of the parties had executed and got registered a release deed dated 15.1.2004 in favour of his three sons namely Hawa Singh, Ram Kumar and Dharambir. Fourth son challenged the aforesaid release deed on the ground that it is result of fraud, property is ancestral and there is unequal distribution of the property.

Plaintiff Kaptan Singh (since deceased) is signatory to the aforesaid release deed. The execution of the release deed has been proved by leading cogent evidence. Both the Courts have found that no

document to prove that the property was ancestral in the hands of Giani Ram has been produced. The Courts have also found that the plaintiff has failed to lead sufficient evidence to prove fraud.

The Courts have further noticed that in fact Giani Ram had entered into an agreement to sell with respect to a part of the disputed property and it was defendant No. 4 who had to first convene the Panchayat, and thereafter, refunded double of the earnest money received by Giani Ram. As per the decision arrived at in the Panchayat the release deed was executed.

This Court has heard learned counsel for the parties at length and with their able assistance has gone through the judgments passed by the Courts below. Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the Court to mis-reading or non-reading of the substantive evidence or to the error of law in the judgments passed by the Courts below.

Hence, no ground to interfere is made out.

Dismissed.

**27.01.2020**

rekha

Whether speaking/reasoned

Whether Reportable

**(ANIL KSHETARPAL)**

**JUDGE**

Yes / No

Yes / No