

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

RSA No.135 of 2018(O&M)

Date of decision: 20.2.2020

Chanchal Singh (since deceased) through LRAppellant

VERSUS

Gurmit Kaur and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vishal Aggarwal, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby challenge to gift deed dated 12.04.2004 purported to be executed by Chanchal Singh – plaintiff (since deceased) in favour of Gurudwara Committee – defendant No.3 registered vide vasika No.147, bahi No.1, jild No.2338 was dismissed by the trial Court vide decree and judgment dated 17.07.2013 that came to be affirmed in appeal by the Additional District Judge, Hoshiarpur.

Perusal of the judgments impugned would reveal that the gift deed was sought to be set aside primarily on the ground that donor was not mentally sound, therefore, incompetent to make valid disposition of his property. Counsel for the appellant, in response to a query, failed to point out any materials on record that escaped notice of the Court in respect of mental condition of Chanchal Singh to substantiate his plea that he was not competent to execute the disputed gift deed. Assuming that Chanchal Singh was blind, the same ipso facto is not sufficient to prove that it had impaired his mental faculty more particularly in the circumstances that there

is no medical opinion with regard to mental condition of Chanchal Singh. This apart, the gift deed has been executed in favour of Gurudwara Committee and not in favour of any individual. In this view of the matter, I do not find an error much less perversity in the judgments impugned that would call for intervention.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

FEBRUARY 20, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no