

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

120

RSA-390-2021 (O&M)

Date of decision: 13.07.2021

GURDEV SINGH

..Appellant

Versus

HARDEEP SINGH AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Vashishat, Advocate for the appellant.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff is the appellant herein. He has assailed the correctness of concurrent judgments and decrees passed by the Courts below. He has filed a suit for declaration that the sale deed executed and registered by late Smt. Kartar Kaur in favour of Harpreet Kaur on 06.05.2010 is the result of fraud. Smt. Harpreet Kaur is the wife of grandson of Smt. Kartar Kaur. In other words, late Smt. Kartar Kaur transferred the property in favour of his grandson's wife. The plaintiff has failed to plead or prove the particulars of alleged fraud. The validity of the sale deed has been challenged on the ground that the sale deed was without consideration. From a reading of the sale deed Ex.D1, it is apparent that Smt. Kartar Kaur acknowledged that she has already received the entire sale consideration from Smt. Harpreet Kaur. Smt. Kartar Kaur during her lifetime never challenged the impugned

sale deed on the ground that the sale consideration has not been paid.

The plaintiff is admittedly a stranger to the aforesaid sale deed.

Still further, the plaintiff claims right in the property on the basis of a Will dated 06.09.2006 executed by Smt. Kartar Kaur. The aforesaid Will would operate only after the death of Smt. Kartar Kaur. However, Smt. Kartar Kaur before her death transferred the property through registered sale deed in favour of Harpreet Kaur. Hence, the plaintiff cannot do anything now.

Both the Courts have further found that the plaintiff has miserably failed to prove his case. The plaintiff is son of late Smt. Kartar Kaur. It has also come in evidence that the defendants have also purchased share of another family member (Sh. Ram Pal).

Keeping in view the aforesaid facts, no ground to interfere with the concurrent finding of fact is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

13.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE