

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.409 of 2022 (O&M)

Date of decision:23.02.2022

Sarla

...Appellant

Versus

Manoj Kumari

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vaibhav Narang, Advocate, for the appellant.

ANIL KSHETARPAL, J (Oral)

While assailing the concurrent findings of fact arrived at by the Courts below, the defendant has filed the present appeal.

The suit filed by the plaintiff(respondent herein) for grant of decree of possession with respect to the first floor of the house in question has been decreed.

The appellant and the respondent are related to each other. The plaintiff and defendant are the respective wives of two brothers, namely, Chanderbhan and Surya Prakash. Smt. Manoj Kumari (the plaintiff) filed a suit on the ground that she is an exclusive owner of the property in dispute as per the sale deed executed by her husband on 11.03.2015 and the defendant (appellant herein) has no right, title or interest in the suit property.

The defendant contested the suit by claiming that the agreement to sell as well as the sale deeds in favour of the plaintiff (respondent herein) are a result of fraud.

Both the courts on appreciation of the evidence decreed the suit as the appellant failed to draw the attention of the court to the existence of

any right, title or interest in the property.

The learned counsel representing the appellant contends that Smt. Laxmi Devi, the mother-in-law of the plaintiff and defendant has filed a complaint under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, therefore, the title of the respondent is in question.

Merely on initiation of the proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, it is not sufficient to deny the relief to the plaintiff, who is owner pursuant to a sale deed. In any case, the defendant does not claim any right, title or interest in the suit property.

Hence, no ground to interfere in the concurrent findings of fact arrived at by the Courts below, is made out.

Dismissed.

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

February 23, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No