

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

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RSA No. 263 of 2020 (O & M)

Date of decision : 22.8.2022

**Avneet Kaur Sidhu (minor) under the guardianship of her mother
Gurpreet Kaur through her power of attorney Harjinder Singh**

.....Appellant

Vs.

Gurdial Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Pradeep Sharma, [Advocate, for the appellant](#)

TRIBHUVAN DAHIYA, J. (Oral)

This is appellant/defendant's second appeal against the suit filed by the respondent/plaintiff, seeking relief of declaration to the effect that he was owner in possession of the land measuring 12 kanal 0 marla, as per the *jamabandi* for the year 2007-2008, fully detailed in the plaint, situated at Village Ramgarh, Tehsil Tapa, District Barnala and sale deed No.1536 dated 8.2.2010, executed in favour of the appellant/defendant No.1 regarding the suit land, is void and illegal being without consideration, and it was the result of undue influence. Consequential relief of permanent injunction restraining the defendant/appellants from getting the mutation sanctioned on the basis of the sale deed was also sought.

The respondent/plaintiff's suit was decreed by the trial Court vide judgment and decree dated 14.12.2017. The appeal filed against the said judgment and decree by the appellant/defendant was dismissed by the lower Appellate Court vide judgment and decree dated 22.7.2019.

The lower Appellate Court relying upon the findings of the trial Court, has concluded that the sale deed in question was executed by the respondent/plaintiff on account of undue influence and without consideration. An FIR under Sections 406, 498A IPC was lodged against the respondent/plaintiff and his family members by defendant No.2. The plaintiff has stated in his testimony that he was pressurised to transfer property in the name of appellant/defendant No.1 for saving his family from the consequences arising out of the registration of the FIR. In this background, the lower Appellate Court in para No. 23 and 24 of the judgment has rightly observed as under :

“23. The learned lower Court has rightly concluded that execution of affidavits Ex.P5 by defendant Gurpreet Kaur, mother of defendant No.1 and Ex.P6 by Baldev Singh, maternal grand father of defendant No.1 to get the FIR quashed executed on 4.2.2010 i.e. On the day when plaintiff executed power of attorney in favour of Jagdev Ram clearly shows that all these documents were executed as part of one transaction and by preponderance of probability, it can be easily concluded that power of attorney to execute the sale deed of the land of plaintiff in favour of defendant No.1 was executed for getting FIR No. 8 of 22.1.2010 registered with P.s. Bhadaur cancelled, but perusal of Ex.P7 order passed in CRM No. 6222-M of 2011 by the Hon'ble Punjab and Haryana High Court clearly shows that defendants Gurpreet Kaur and Baldev Singh have not cooperated in getting FIR cancelled and Hon'ble High Court cancelled FIR on merit.

24. It is proved on record that sale deed was got executed from the plaintiff Gurdial Singh in favour of defendant No.1 Avneet Kaur by defendants No.2 and 3 namely Gurpreet Kaur and Baldev Singh after putting him in fear of get him and other members of the family arrested and later on they promised that in case sale deed is executed, then they will get FIR cancelled, but their intention was not to perform their

promise as is clear from the order Ex.P7 and they had not stuck to their promise made in Ex.P5 and Ex.P6, the affidavits to get the FIR cancelled/quashed.

The impugned judgments are well reasoned and do not suffer from any error of law. No substantial question of law arises for consideration.

Dismissed.

All the pending miscellaneous applications, if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

22.8.2022

Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No