

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.510 of 1994 (O&M)

Date of Order:16.02.2024

Tej Singh alias Jagbir

.Appellant

Versus

Dalip Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate
for the appellant.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiff no.1 assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for grant of decree of declaration that the sale deed executed by his father Sh. Kishan Lal, on 02.03.1970, is illegal, null and void.

2. While contesting the suit, the defendants claim that the sale deed has been executed for legal necessity and there was a custom in the family to sell the property for legal necessity.

3. Both the courts on appreciation of the evidence came to a conclusion that the property was sold in favour of the defendants by Sh. Kishan Lal in order to re-pay the loan which he had borrowed from Sh. Mahipal. Thus, both the courts dismissed the suit

4. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book.

5. The learned counsel representing the appellant submits that as compared to the amount of loan, Sh. Kishan Lal has sold the property worth

Rs.11,000/-. He submits that hence the entire sale deed cannot be said to be

on account of legal necessity.

6. This court has considered the submissions of the learned counsel representing the appellant.
7. Sh. Kishan Lal repaid the amount of Rs.3279/- to Sh. Mahipal in order to pay off his debt. Sh. Mahipal in his testimony has verified this fact.
8. It has also come on record that the Deputy Collector had also initiated proceedings for recovery of the amount. Moreover, it has come on record that Sh. Kishan Lal, on 03.03.1970, paid Rs.6558/- on the very next day after the execution of the sale deed.
9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
10. Dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

February 16, 2024

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO