

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

RSA No.1715 of 2018 (O&M)

Date of Decision: 21.02.2024

Maina Devi

...Appellant

Versus

Ram Avtar Singh and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sumit Gupta, Advocate
 for the appellant.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the judgment and decree as passed by learned Civil Judge (Junior Division), Rohtak (for short 'the trial Court') on 22.08.2014, whereby the Civil Suit filed by the appellant-plaintiff (here-in-after to be referred as 'the plaintiff') for seeking a decree for declaration to the effect that the Release-Deed dated 03.05.2011 and Mutation No.3142 dated 05.05.2011, as sanctioned on the basis of the afore-said Release-Deed, were illegal, null and void, with the further prayer for granting the relief of permanent injunction to restrain the respondents-defendants (here-in-after to be referred as 'the defendants') from alienating her 1/6th share in the suit land, was dismissed and also by the judgment and decree handed down by learned Additional District Judge, Rohtak (for short 'the Lower Appellate Court') on 09.05.2017, dismissing the appeal filed by her (plaintiff) against

the above-said judgment and decree dated 22.08.2014, the plaintiff has preferred the instant appeal to lay challenge to the same.

2. Bereft of unnecessary details, the facts, as emanating from the perusal of the file and resulting in the filing of the present appeal, are that the plaintiff filed the afore-referred Civil Suit, while averring that she became the owner in possession of the above-mentioned share in the suit land by way of inheriting it from her mother. On 02.05.2011, she went to the house of her maternal-uncle Rajpal (since deceased), the father of the defendants, on the occasion of '*Bhaat*' ceremony (a pre-wedding ritual) and there, he asked her to execute a Power of Attorney in his favour and on 03.05.2011, he took her to the office of Sub-Registrar, Rohtak, on this pretext but under the garb of execution of the above-said document, he, fraudulently, got the disputed Release-Deed, qua her share in the suit land, executed by her in his favour and the Mutation in question was also got sanctioned on the basis thereof. The defendants filed their joint written-statement and contested the claim of the plaintiff therein on various grounds. The plaintiff also filed her replication, re-iterating her earlier claim as set-forth in the plaint, besides controverting the assertions as canvassed by the defendants in their written-statement. Then, the parties were put to the trial by framing the issues and after appreciating and evaluating the evidence as led by them on the record and hearing their respective counsel, the trial Court dismissed the Civil Suit and the appeal, moved by the plaintiff against the afore-referred judgment and decree, passed by the trial Court, has also ended in its dismissal, as already discussed in the opening para of this judgment.

3. I have heard learned counsel for the appellant-plaintiff in the instant appeal, at the preliminary stage and have perused the file carefully.

4. As discussed earlier, the plaintiff has claimed the relief in the Suit by alleging that her maternal-uncle had, fraudulently, got the disputed Release-Deed executed by her in his favour. It is well settled that the plea of fraud has to be specifically pleaded and proved but it is pertinent to mention here that the trial Court and the Lower Appellate Court have concurrently held that she (plaintiff) has failed to prove her above-said plea/allegation. She has not been able to show as to how the afore-discussed findings are factually or legally wrong or perverse in any manner.

5. As a sequel to the fore-going discussion, it follows that the impugned judgments and decrees, passed by both the Courts below, do not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the same are, hereby, upheld and the appeal in hand, being *sans* any merit, stands dismissed.

21.02.2024

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No