



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

RSA-772-2024 (O&M)

Date of decision : 16.05.2025

Raj Kumar Goyal

...Appellant

Vs.

Om Parkash and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manjeet Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing his suit for grant of decree of declaration with a consequential relief of permanent injunction.

2. In substance, the plaintiff assails the correctness of the sale deed dated 01.02.1988 and 31.05.1993. Defendant No.1 purchased the property on 01.02.1988 from the plaintiff which in turn was sold to defendant No.2 vide sale deed dated 31.05.1993.

3. In order to prove the sale deed dated 01.02.1988, DW5-Sh. Krishan Kumar, marginal witness, Sh. Subhash Chander son of second marginal witness and broker, DW10-Sh. Gulshan Kumar was examined. The plaintiff relied upon his alleged diary and report of handwriting and fingerprint expert. The Courts have found that the plaintiff failed to prove that the sale deed dated 01.02.1988 was result of impersonation.

4. Heard the learned counsel representing the appellant at length and

with his able assistance perused the paper-book.

5. Learned counsel representing the appellant while referring to the report of the handwriting and fingerprint expert submits that the plaintiff has stated that he never signed in *Devanagari* (Hindi) and he used to sign in English. However, it was for the plaintiff to prove that the sale deed was executed by means of impersonation. The suit was filed on 30.05.2018 i.e. after a lapse of 30 years from the date of execution of the first sale deed. The argument of learned counsel representing the appellant lacks substance because direct evidence to prove the sale deed has been examined by the defendants, which has been found to be cogent and reliable.

6. Hence, the appeal is dismissed.

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

	(ANIL KSHETARPAL)	
	JUDGE	
16.05.2025		
neeraj	Whether speaking/reasoned :	Yes No
	Whether Reportable :	Yes No