



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

RSA-4760-2010 (O&M)

Date of decision : 05.03.2025

Satnam Singh

...Appellant

Vs.

Jatinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Atul Jain, Advocate
for the appellant.

Mr. Ankush Singla, Advocate
Ms. Parul Sarvar, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiff assails the correctness of the First Appellate Court's judgment which in turn has reversed the judgment of the trial Court. He filed a suit for declaration to the effect that the sale deed executed on 02.05.1994 but registered on 03.05.1994 was result of fraud with a consequential relief of permanent injunction.

2. In fact, the plaintiff executed two registered sale deeds on 02.05.1994 in favour of the defendant-Sh. Jatinder Singh. The first sale deed was with respect to 03 kanals 01 marla land which is exhibited as Ex. P1, it was registered on 02.05.1994 itself. The second sale deed was executed and signed on 02.05.1994 (Ex.P2) but registered on 03.05.1994. This sale deed is with respect to 02 kanals 08 marlas land. The plaintiff claims that the aforesaid sale deed is result of fraud and forgery as his signatures on blank papers were



taken on the pretext of getting a power of attorney executed. It is well settled that the plaintiff is required to plead the particulars of fraud and prove by leading cogent evidence. Only the plaintiff appeared in evidence to prove the fraud. His deposition was not corroborated.

3. On the request of the Court, the appellant’s counsel has produced photocopy of registered sale deed Ex.P2. On 03.05.1994, the appellant has appended as many as three signatures before the Sub Registrar. He has not led any evidence to prove that he never appeared before the Sub Registrar on 03.05.1994.

4. Moreover, the plaintiff filed the suit on 02.05.2001 after a period of 07 years as the sale deed was executed on 02.05.1994. As per the Limitation Act, 1963, the suit for cancellation of the sale deed can be filed within a period of 03 years. Additionally, the plaintiff has never prayed for cancellation of the sale deed as required under Section 31 of the Specific Relief Act, 1963. He was required to pay *ad valorem* Court fee. He never paid the same.

5. Hence, no ground to interfere is made out.

6. The appeal is dismissed.

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

(ANIL KSHETARPAL)
JUDGE

05.03.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No