



RSA-1195-2023(O&M)

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

RSA-1195-2023(O&M)

Date of decision: 21.01.2025

Joginder Singh (since deceased) through his LRs

..Appellant

Versus

Harvinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yashjot Singh Dhaliwal, Advocate for the appellant

ANIL KSHETARPAL, J.

The plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for the grant of decree of declaration that the registered gift deed executed by him on 06.12.2013 is a result of fraud. The gift deed was executed by the plaintiff in favour of his granddaughter with respect to land measuring 3 kanals and 11½ marlas. While filing the suit, the plaintiff failed to give particulars of the fraud played by him. He contended that his grand daughter alongwith her mother came to him and took him to the office of Sub-Registrar for execution and registration of the affidavit whereas the gift deed was executed. The plaintiff died during the pendency of the suit. In order to prove the case, the plaintiff examined three witnesses. Both the courts held that the execution of the gift deed is proved and it does not suffer from any fraud. The attesting witnesses of the registered gift deed have also been examined by the defendants to prove its execution.

Learned counsel representing the appellant contends that the donor himself filed the suit. Hence, the court should presume the fraud.



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This Court has considered the submissions made by the learned counsel representing the appellant.

It is well settled that fraud is required to be pleaded by giving complete particulars and proved beyond reasonable doubt, even in civil cases. The plaintiff previously transferred half share of his land in favour of his two daughters. Subsequently, he gifted some property to his grand daughter. Moreover, the scope of interference in Regular Second Appeal is limited.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

(ANIL KSHETARPAL)
JUDGE

21.01.2025

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No