



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

122

RSA-1968-2024 (O&M)

Date of Decision.: 09.04.2026

Labh Singh and Another

.....Appellants

Vs.

Sita Ram (deceased) thr LRs and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Jaswal, Advocate
for the appellants.

DEEPAK GUPTA, J. (ORAL)

The present Regular Second Appeal has been preferred by the appellants–defendants N: 2 & 3 against the judgment and decree passed by the learned First Appellate Court dated 22.02.2024, whereby the findings recorded by the learned Trial Court vide judgment 22.12.2017, while partly decreeing the suit of the plaintiffs, have been affirmed.

2. The plaintiffs had instituted the suit seeking decree for recovery of possession and declaration to the effect that the gift deed dated 16.09.2013 executed by Ram Diya in favour of defendants No.2 and 3 (appellants herein) is illegal, null and void being the result of fraud and misrepresentation, and consequential relief of permanent injunction. The principal controversy revolved around the validity of the said gift deed and the mental capacity of the executant, Ram Diya.

3. The learned Trial Court, upon appreciation of oral as well as documentary evidence, returned a categorical finding that Ram Diya was a person of unsound mind and was not competent to execute the gift deed. Consequently, the gift deed was declared null and void. These findings



came to be affirmed by the learned First Appellate Court after re-appreciation of the entire evidence on record.

4. Assailing the concurrent findings, learned counsel for the appellants has contended that both the Courts below have misread the evidence, and that the gift deed was validly executed by a person of sound mind. It is further argued that the medical certificate relied upon by the plaintiffs is unreliable and has been wrongly accepted.

5. Before advertng to the merits, it is trite that the jurisdiction of this Court under Section 100 CPC is confined to substantial questions of law. Concurrent findings of fact recorded by the Courts below cannot be interfered with unless it is demonstrated that such findings are perverse, based on no evidence, or suffer from a patent misreading of material evidence.

6. Both the Courts below have concurrently held that Ram Diya was suffering from severe mental disability. This conclusion is primarily based upon the medical certificate issued in 2004 by a duly constituted medical board and the testimony of the Psychiatrist (PW3), who proved that Ram Dia had an IQ below 50 and was about 75% mentally disabled, incapable of understanding the nature and consequences of his acts.

7. Not only this, even the witnesses examined by the defendants admitted in cross-examination that Ram Diya was not in a sound mental condition in the years preceding his death.

8. In the face of such overwhelming evidence, the finding that the executant lacked the mental capacity to execute a valid gift deed is a pure finding of fact based on proper appreciation of evidence. No perversity or illegality has been pointed out in the said finding.

9. It is well settled that for a valid execution of a gift deed, the donor must possess sound disposing mind and understand the nature of the transaction. Where such capacity is absent, the document is void in the

eyes of law. The Courts below have rightly applied this settled principle.

10. It is found that the findings recorded by the Trial Court and affirmed by the First Appellate Court are concurrent in nature and are based upon medical evidence duly proved on record; oral testimony of expert witness; admissions elicited from defence witnesses; and overall circumstances surrounding the transaction. No material evidence has been shown to have been ignored, nor has any inadmissible evidence been relied upon. The conclusions drawn are reasonable and plausible.

11. The entire controversy sought to be raised by the appellants pertains to re-appreciation of evidence regarding mental capacity and validity of the gift deed. Such an exercise is impermissible in second appeal.

12. No substantial question of law, much less a debatable or arguable one, arises for consideration. The appeal is, thus, an attempt to reopen concluded findings of fact, which cannot be permitted.

13. In view of the foregoing discussion, this Court finds no illegality, perversity or jurisdictional error in the judgments and decrees passed by the Courts below. The same are based on proper appreciation of evidence and correct application of law.

14. Accordingly, the present Regular Second Appeal is dismissed. No order as to costs.

All the miscellaneous application(s), if any, stand disposed of.

(DEEPAK GUPTA)
JUDGE

April 09, 2026

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No