



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

(117)

RSA-1953-2025 (O&M)
Date of Decision:-**09.02.2026**

KR. VIJAY LAXMI

... Appellant

Versus

DINESH SACHDEVA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Jasmer Singh Rozera, Advocate
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as “RSA”) has been preferred by the appellant–plaintiff assailing the judgment and decree dated 19.03.2025 passed by the learned Additional District Judge, Faridabad, whereby the findings recorded by the trial Court were affirmed in toto. The trial Court, vide judgment and decree dated 27.07.2018 rendered by the learned Civil Judge (Junior Division), Faridabad, had partly decreed the suit instituted by the appellant–plaintiff seeking a decree of declaration with consequential relief of permanent injunction. The appellant now calls into question the concurrent findings of the courts below, contending the same to be legally untenable and vitiated by errors of law and fact.



2. Briefly stated, the plaintiff and Sh. Ujjval Pal Singh jointly purchased Plot Nos. 97 and 98, measuring 1003 sq. yards, situated at Village Dabua, Faridabad, vide registered sale deed dated 19.09.1985, in equal shares. The parties constructed rooms on the said land to run a public school and subsequently constituted and registered *Manav Sewa Public School Society* in 1989, with the plaintiff as Head Mistress and Sh. Ujjval Pal Singh as President, while retaining ownership of the land and building, as expressly recorded in the society's constitution. The plaintiff alleges that defendant No.1, in collusion with Ms. Radha Devi, fraudulently and under threat compelled her to sign documents resulting in an alleged gift deed, which is asserted to be void ab initio, illegal, and non est. Despite complaints to police authorities, no action was taken. Hence, the present suit seeking declaration and consequential reliefs.

3. Upon service of notice, defendant No.1 entered appearance and filed a written statement raising preliminary objections as to maintainability, *locus standi*, cause of action, limitation, estoppel, and concealment of material facts. On merits, it was asserted that defendant No.1 is the lawful owner in possession of the suit property by virtue of a registered gift deed dated 15.01.2013. The execution thereof was claimed to be voluntary, and dismissal of the suit was sought.

4. Thereafter, the appellant–plaintiff filed a replication, wherein the averments and preliminary objections raised in the written statement were expressly denied, and the pleadings and claims set forth in the plaint were reiterated and reaffirmed. Upon a careful and holistic consideration of the pleadings on record and the rival submissions advanced by the parties, the learned Trial Court, with a view to clearly delineating the matters in



controversy and ensuring an orderly and legally sound adjudication, proceeded to frame the following issues for determination: :-

1. Whether the plaintiff is entitled for a decree for permanent injunction and declaration as prayed for?OPP
 2. Whether the suit of the plaintiffs is not maintainable in the present suit? OPD
 3. Whether the plaintiff has no *locus standi* and no cause of action to file the present suit?OPD
 4. Relief.
5. Upon the framing of issues, both parties were afforded adequate and effective opportunity to lead their respective evidence. On a comprehensive appraisal of the material brought on record, the learned trial Court partly decreed the suit in favour of the appellant–plaintiff. The appeal preferred thereagainst, however, came to be dismissed by the learned First Appellate Court. Aggrieved by the concurrent findings recorded by the courts below, the appellant has invoked the jurisdiction of this Court by way of the instant RSA.
6. The appellant has thus instituted the instant appeal assailing the concurrent judgments and decrees passed by the learned Courts below.
7. I have heard learned counsel for the appellant at length and have accorded anxious and thoughtful consideration to his respective submissions, in the light of the pleadings, the evidence on record, and the concurrent findings returned by the courts below.
8. Learned counsel for the appellant has mounted a focused challenge to the impugned judgments, submitting that the learned courts below committed a manifest error in disregarding the settled jurisprudence that once fraud, misrepresentation, or undue influence is specifically



pleaded, the evidentiary burden shifts to the party occupying a fiduciary position and enjoying a relationship of active confidence to affirmatively establish the absence of such vitiating factors. In aid of this submission, reliance was placed on the authoritative pronouncement of the Hon'ble Supreme Court in *Anil Rishi v. Gurbaksh Singh*, **Law Finder Document ID #120548**.

8.1. It was further contended that any transfer of property effected in violation of the mandate of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is rendered voidable at the instance of the senior citizen and is liable to be set aside, as conclusively settled by the Hon'ble Supreme Court in *Sudesh Chhikara v. Rati Devi & Another*. **2023(1) PLR 107**. The learned counsel thus urged that the concurrent findings suffer from a clear misapplication of law warranting interference by this Court.

9. Having bestowed due consideration upon the submissions, it is evident that the findings returned by both the learned Courts below are concurrent and well-reasoned. It has been categorically held that the gift deed (Ex. P5/6) was duly executed by the appellant–plaintiff and that no cogent evidence was adduced to establish that the said transaction was vitiated by fraud, misrepresentation, coercion, or undue influence.

9.1. The reliance placed on Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is wholly misconceived, as there is no foundational pleading by the appellant–plaintiff alleging violation of the said provision. In the absence of such pleadings, the ratio laid down by the Hon'ble Supreme Court in *Sudesh Chhikara v. Rati Devi's case (supra)* is clearly inapplicable to the facts of the present case.



9.2. Similarly, the judgment in **Anil Rishi v. Gurbaksh Singh's case (supra)** does not advance the appellant's case, as there is nothing on record to demonstrate that the respondent was in a fiduciary or dominant position so as to exercise undue influence over the appellant–plaintiff. The appellant's case rests solely on allegations of threat, which remain unsubstantiated. Significantly, the gift deed was registered on 15.01.2013, and even as per the appellant's own case, she continued to reside with the respondent till 23.11.2013, without lodging any complaint before any competent authority during this interregnum. The appellant, being an educated lady and serving as a school principal, had sufficient opportunity to seek immediate redressal, which she failed to avail and this shows that suit has been file after concocting a false-story.

9.3. In these circumstances, no perversity, illegality, or material infirmity can be discerned in the concurrent findings recorded by the learned courts below so as to warrant interference in the exercise of second appellate jurisdiction. The appeal, being devoid of merit, is accordingly dismissed.

10. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, also stand disposed of accordingly. No further orders are required to be passed in that regard.

09.02.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No