



(114)

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

RSA-807-2021 (O&M)

Date of Decision:- 20.08.2025

Swaran Kaur (Deceased) through LR Surjeet Kaur

...Appellant(s)

Versus

Santosh Rani and others

...Respondent(s)

**CORAM:**      **HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present:-      Mr. Sachin Mittal, Advocate,  
                    Mr. Akshat Mittal, Advocate,  
                    Mr. Arnav Mittal, Advocate,  
                    for the appellant.

\* \* \* \*

**VIRINDER AGGARWAL, J.**

1.            The appellant unsuccessful plaintiff has filed this appeal assailing concurrent judgement and decree dated 15.09.2017 passed by learned Civil Judge (Junior Division), Karnal as well as judgement and decree dated 05.12.2019 passed by learned Additional District Judge, Karnal.

2.            The appellant-plaintiff has filed a suit for declaration with consequential relief of possession and permanent injunction vide which the validity of sale deeds bearing Nos. 2235/1 dated 10.02.1998 and 6230/1 dated 01.12.2000 executed by the plaintiff in favour of defendants No. 1 and 2 was challenged on the ground that she is an old lady of 80 years. She is simpleton and illiterate lady. Both the defendants used to help her off and on and when she was in financial need, defendant No. 2 agreed to extend financial help and demanded security. The plaintiff agreed to mortgage the suit land as security for repayment of the loan. She never intended to sell the suit land, but defendant No. 2 got sale deeds executed from the plaintiff by playing fraud

instead of mortgage deed. The plaintiff borrowed an amount of Rs. 75,000/- on 10.02.1998, an amount of Rs. 65,000/- on 01.12.2000 and an amount of Rs. 45,000/- on 14.12.2002. The fraud was detected when she approached the defendants for redemption of mortgage deed. The defendants contested the suit by alleging that the plaintiff executed the sale deeds legally and lawfully and no fraud was played upon the plaintiff. Both the parties led evidence and after hearing arguments, the suit of the appellant-plaintiff was dismissed. The appeal was also dismissed by the learned first Appellate Court.

3. Aggrieved by the judgements and decrees so passed, the present appeal has been filed.

4. The findings recorded by both the Courts below have been assailed on the ground that both the Courts below have not taken care of the fact that the procedure for registration of sale deed and mortgage deed is the same. The appellant is an old age infirm lady. The witnesses of the sale deed are same persons. The Sarpanch, a witness over sale deed dated 01.12.2000 (Exhibit D5), had not appeared before Registrar at the time of registration and Harish Kumar had witnessed the sale deed. The witnesses are not of the village of the appellant-plaintiff. No money has exchanged hands in the office of the Registrar.

5. I have gone through the judgement of the leaned first Appellate Court as well as that of learned Civil Judge.

6. Learned Additional District Judge has dismissed the appeal after elaborately dealing with the pleas raised by the appellant-plaintiff. The judgements of both the Courts below are well reasoned. Both the sale deeds are registered documents and there is an endorsement of the Sub Registrar that the sale deeds were read over and explained to the appellant-plaintiff at the time of

registration. There is a presumption that official acts are performed in due course as per Section 114 of the Indian Evidence Act, 1872. The sale deeds were executed in the year 1998-2000 and the suit was filed on 25.07.2012. The plaintiff has herself executed the sale deeds. So, the sale deeds have not been challenged within the period of limitation of three years. The plaintiff was best witness to explain the circumstances in which the alleged fraud was committed, but she has not stepped into the witness box to prove fraud allegedly committed by respondents No. 1 and 2-defendants.

7. Learned counsel for the appellant-plaintiff contended that the appellant-plaintiff could not appear due to her ill health. But, since the onus was on the appellant-plaintiff, she has failed to discharge that onus and both the Courts below have rightly concluded that in case of allegations of fraud in a transaction, the same is required to be proved beyond reasonable doubt. So, finding no ground to interfere in the well reasoned judgements of both the Courts below, the appeal deserves to be dismissed.

8. Ordered accordingly.

**(VIRINDER AGGARWAL)**  
**JUDGE**

20.08.2025

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No