



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

**RSA-2063-2025 (O&M)
Decided on : 19.08.2025**

Jit Singh (since deceased) through his LRs

..... Appellant

Versus

Jaswant Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sandeep Bansal, Advocate
for the appellant.

VIKRAM AGGARWAL, J (ORAL)

This is plaintiff's appeal against judgment and decree dated 10.03.2025, passed by the Court of Additional District Judge, Hoshiarpur, dismissing the appeal filed by the plaintiff against the judgment and decree dated 30.08.2016 passed by the Court of Civil Judge (Junior Division), Hoshiarpur vide which the suit for declaration filed by the appellant-plaintiff was dismissed.

2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3(i). The plaintiff (Jit Singh) instituted a suit for declaration to the effect that he was the owner in cultivating possession of half share out of the share owned by Chanan Kaur, out of land measuring 76 kanals 5 marlas (fully described in the plaint) (hereinafter referred to as the 'suit land'), situated in Village Nangal Pind, Tehsil and District Hoshiarpur and that defendants No.2 and



3 had no right or concern with the same. A further declaration was sought that the sale deeds executed in favour of defendants No.1 and 2 were illegal, null and void and were liable to be set aside and that the mutation entries were liable to be corrected in the name of the plaintiff. Consequential relief of permanent injunction restraining defendant No.1 from alienating any part of the suit land was also sought.

3(ii). It was averred that the plaintiff and defendant No.1 (Jaswant Singh) were sons of one Late Sh. Shankar Singh. Defendant No.3 (Balwinder Kaur) was their sister. Smt. Chanan Kaur was the mother of the plaintiff and defendants No.1 and 3.

3(iii). It was averred that the father of the plaintiff namely Shankar Singh and his brother Swaran Singh were joint owners of land measuring 158 kanals 18 marlas, having inherited the same from their father Ram Ditta. Ram Ditta had inherited the said land from his father Labhu. It was averred that accordingly, the land was ancestral property. It was averred that after the death of Shankar Singh, the same was inherited by the plaintiff, defendant No.1, defendant No.3 and Chanan Kaur in equal shares.

3(iv). It was the case of the plaintiff that Chanan Kaur was being looked after and served by the plaintiff as a result of which, she had executed a registered Will dated 04.03.1997 bequeathing her 1/4th share out of land measuring 76 kanals 5 marlas in favour of the plaintiff and defendant No.1 in equal shares. It was the case of the plaintiff that this Will had been executed because the land was ancestral as a result of which Chanan Kaur did not wish to give any share to



defendant No.3. Chanan Kaur is stated to have expired on 15.03.2008 at the age of 95 years. It was averred that she was not in a fit state of mind, could not walk properly and was unable to think about her good and bad. The case set up was that by taking benefit of her old age and unfit state of mind, defendant No.1 got a *tabdil malkiatnama* of 13 kanals of land from Chanan Kaur executed in his favour. The said *tabdil malkiatnama* was stated to be without any consideration and was the result of fraud and misrepresentation. Further, sale deed of 06 kanals 01 marla of land was also got executed in favour of defendant No.2 from Chanan Kaur. The said sale deed was also said to be the result of fraud. It was further alleged that the registered Will dated 04.03.1997 had never been cancelled or revoked by Chanan Kaur.

3(v). It was averred that on the basis of the entries in favour of defendant No.1, he was threatening to alienate the land and to cut and remove the eucalyptus trees standing in the land. Despite having been requested many times to admit the claim of the plaintiff, defendant No.1 did not agree as a result of which the suit was filed.

4(i). Defendants No.1, 2 and 3 filed their separate written statements. In the written statement filed by defendant No.1, certain preliminary objections as regards *locus standi*, maintainability, the suit being bad for misjoinder of necessary parties, no proper Court fee having been affixed, the suit being without any cause of action and the plaintiff not having approached the Court with clean hands were raised. On merits, the relationship between the parties was admitted. It was admitted that Shankar Singh and Swaran Singh were owners in possession



of the land mentioned in the plaint, though it was stated that they were in possession of separate land. It was admitted that after the death of Shankar Singh, his property had been inherited by his class-1 legal heirs.

4(ii). It was denied that Chanan Kaur was being looked after or was being served by the plaintiff. It was averred that Chanan Kaur had executed a Will in favour of the plaintiff which he cancelled vide registered cancellation deed dated 02.01.2008. It was denied that the land was ancestral.

4(iii). It was averred that Chanan Kaur had expired on 15.03.2008 on account of old age. It was denied that she was not in a fit state of mind. It was stated that she was having good health and was hale and hearty and that she was mentally sound. It was averred that she had transferred 13 kanals of land in favour of defendant No.1 by way of a registered *tabdil malkiatnama* on 24.12.2005. For the said purpose, she went to the office of the Joint Sub-Registrar, Bhunga and got the deed registered. It was averred that the deed had been scribed from a Deed Writer and the Deed Writer had, on her instructions and directions, scribed the deed of 13 kanals of land in favour of defendant No.1. The Deed Writer had read over and explained the contents of the deed to Smt. Chanan Kaur in the presence of marginal witnesses namely Jarnail Singh, *Lambardar* and Gian Singh of Village Nangal Pind. After admitting the same to be correct, she had appended her thumb impression over the same in the presence of witnesses and the witnesses had also put their signatures in her presence.

4(iv). It was averred that thereafter, she had appeared before the Sub Registrar, Bhunga and the Joint Sub Registrar had again read over and explained



the contents of the deed to Smt. Chanan Kaur. After admitting the contents of the same to be correct, she had put her thumb impression on the same in the presence of the witnesses and the witnesses had then signed and put their thumb impressions in her presence before the Joint Sub Registrar, Bhunga. After that, photographs were taken on the computer.

4(v). It was averred that on the same day, Chanan Kaur and defendant No.3 (Balwinder Kaur) had sold 8 kanals of land to defendant No.2 (Smt. Sital Kaur) for a total sale consideration of Rs.4,00,000/-. A photograph had been clicked by standing on the land alongwith defendants No.2 and 3 which was pasted on the backside of the first page of the sale deed. Averments as regards scribing of the sale deed were made in a similar manner.

4(vi). It was averred that the mutations had been sanctioned on the basis of the sale deeds and since 24.12.2007, defendants No.1 and 2 were exclusive owners in joint possession of the land in question.

4(vii). Defendant No.2 filed a written statement raising certain preliminary objections as regards locus standi, proper Court fee not having been affixed and the plaintiff not having appeared in the Court with clean hands. On merits, it was averred that the sale deed had been executed in her favour by Chanan Kaur and defendant No.3. Averments as made in the written statement filed by defendant No.1 were made.

4(viii). Defendant No.3 supported the case of the plaintiff and averred that defendant No.1 had fraudulently got a *tabdil malkiatnama* executed in his favour from Chanan Kaur without any consideration. It was averred that he had even got



a sale deed executed from defendant No.3 fraudulently in favour of his wife Gurdish Kaur and another sale deed in favour of defendant No.2 Sital Kaur without any consideration. It was averred that defendant No.1, who was the real brother of defendant No.3 had assured that he would make the payment of the sale consideration on arrival at home but he never paid the same.

5. From the pleadings of the parties, the trial Court framed the following issues:-

(1). Whether the plaintiff is owner and is cultivating ½ share out of the share of Chanan Kaur ? OPP

(2). Whether plaintiff is entitled to declaration as prayed for ? OPP

(3). Whether sale deeds in favour of defendants No.1 and 2 are illegal, null and void ? OPP

(4). Whether the mutation entries are liable to be corrected in the name of the plaintiff to the extent of ½ share out of share of Chanan Kaur in the revenue record ? OPP

(5). Whether the plaintiff is entitled to permanent injunction against defendant No.1 as prayed for ? OPP

(6). Whether Smt. Chanan Kaur executed registered Will dated 4.3.1997 bequeathing her 1/4th share in property in dispute in favour of the plaintiff and defendant No.1 in equal shares ? OPP

(7). Whether Tabdeel Malkiatnama executed by Chanan Kaur in



favour of defendant No.1 is result of fraud and misrepresentation ?

OPD

(8) Whether plaintiff has no locus standi to file present suit ?

OPD

(9) Whether suit is not maintainable in the present form ? OPD

(10) Whether suit is bad for mis-joinder of necessary parties ?

OPD

(11) Whether proper court fee has not been affixed on plaint ?

OPD

(12) Relief.

6. Parties led their respective evidence.

7. The trial Court dismissed the suit filed by the plaintiff and the appeal filed against the said decision was also dismissed, leading to the filing of the present regular second appeal.

8. I have heard learned counsel for the appellant.

9(i). Learned counsel for the appellant has strenuously urged that both courts erred in dismissing the suit filed by the plaintiff. It has been averred that the sale deed stated to have been executed by Chanan Kaur mentioned about sale consideration of Rs.4,00,000/-. He submits that there was no proof of Rs.4,00,000/- having been paid. Learned counsel submits that it had come on record that the said sale consideration had not been paid in the presence of the



Sub-Registrar. Reference has been made to the statements of witnesses wherein one witness states that it was paid at the time of execution of the sale deed whereas another witness Gian Singh said that it had been paid one day earlier at home. Learned counsel submits that the buyer (defendant No.2) states that she was not aware as to when the consideration amount was paid. Learned counsel submits that under the circumstances, it stood proved that the sale deeds had been executed as a result of fraud. Learned counsel has referred to the entire oral and documentary evidence and has also referred to both judgments in detail and has submitted that the judgments are not sustainable.

9(ii). Learned counsel has reiterated that it had not come on record as to where the amount of Rs.4,00,000/- went. It has further been submitted that admittedly, the suit land was ancestral property and it was not shown as to without legal necessity how it was alienated. Learned counsel submits that Section 14 of the Hindu Succession Act, 1956 would not apply.

9(iii). Learned counsel submits that even otherwise everything was very suspicious because the *tabdil malkiatnama* and the sale deed were executed on 24.12.2007, the cancellation deed vide which the Will stated to have been cancelled was executed on 02.01.2008 and Chanan Kaur expired on 15.03.2008. Learned counsel has submitted that defendant No.1 took undue advantage of the old age of Chanan Kaur and got the documents executed by telling her that she was being taken to the hospital. Learned counsel submits that instead of taking her to the hospital she was taken to the office of the Sub Registrar where the documents were got fraudulently executed and registered.



9(iv). It has also been averred that in the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in the State of Punjab, a Clause has been inserted that if a land is transferred by Senior Citizen so that the children could look after the senior citizen and in case the children do not look after the senior citizen, the land has to revert back. Under the circumstances, the land was to revert back to Chanan Kaur.

9(v). Learned counsel submits that despite having proved the case by leading cogent evidence, both Courts did not examine the matter from the correct perspective and erroneously non-suited the plaintiff.

10(i). I have considered the submissions made by learned counsel for the appellant but find the same to be devoid of merit. I have gone through the judgments under challenge in detail and do not find any misreading of evidence warranting interference. The plaintiff, while appearing as PW1 admitted that the joint land of his father Shankar Singh and his brother Swaran Singh had been partitioned in the Court of Assistant Collector First Grade, Hoshiarpur and that they were having separate *khatas* and were separately cultivating their land. It was also stated by him that after the death of Shankar Singh, the land owned by Shankar Singh was inherited in equal shares by him, defendant No.1 and 3 and Chanan Kaur to the extent of 1/4th share each. He also admitted that all four legal heirs became owners in separate possession and were getting income from their share of the land. He also admitted that defendant No.1 and Chanan Kaur as also defendant No.3 had inherited the *abadi* properties and the houses in the *Lal Lakir of the* village from Shankar Singh. He admitted that defendant No.3 had left no



share and had alienated the entire share. It was also admitted that as per the family partition, they were cultivating the land of their own shares. He feigned ignorance as regards transfer of 13 *kanals* of land to defendant No.1 by Chanan Kaur vide registered deed dated 24.12.2007. He admitted that the last rites of Chanan Kaur had been performed by defendant No.1 Jaswant Singh. The plaintiff stated that he had never challenged the sale deed in favour of his wife Joginder Kaur as well as in favour of Gurdish Kaur wife of Jaswant Singh. He also admitted that the ration card of his mother was with the family of defendant No.1. The Court then considered the statement of PW3 Gurmej Singh who also stated that Chanan Kaur had been living with defendant No.1. The Court then rightly came to the conclusion that Chanan Kaur had been living with defendant No.1.

10(ii). As regards the cancellation deed vide which the Will was cancelled and the *tabdil malkiatnama* as also the sale deeds, the Courts rightly came to the conclusion that the same were valid and genuine documents. All three were registered documents. Due evidence was led to prove the execution of the same. The Courts rightly held that being registered documents, there was a presumption of truth attached to them. It was also rightly held that the plaintiff had not been able to prove that the documents were the result of fraud. The defendants had also examined the scribe, the deed writer etc. who had proved the due execution of the *tabdil malkiatnama* dated 24.12.2007. The marginal witnesses were also examined. Detailed findings were recorded by the First Appellate Court;

22. The documents whose validity are questioned are the tabdil malkininama, sale deeds dated 24.12.2007 executed by Chanan Kaur in favour of defendant no 1 and the second sale deed dated



24.12.2007 in favour of defendant no.2 The case of the plaintiff is that Chanan Kaur mother of plaintiff and defendant no 1 was aged about 95 years and was not in a fit state mind and things and by taking benefit of old age, the defendant no.1 got executed tabdil malkiatnama of 13 kanals of land from Chanan Kaur in his favour and also got executed sale deeds dated 24.12.2007 in his favour as well as in favour of his wife from Chanan Kaur and the above said documents are result of fraud and misrepresentation and liable to be set aside. It is a settled proposition of law that presumption of truth lies in favour of the registered documents and which presumption can be offset if the executor of this document pleads fraud and proves it. It is also a settled proposition of law that a person who pleads fraud, must prove it by cogent evidence and the findings of the fraud cannot be left to the vagaries of preponderance of probabilities and conjectures, more so, when the document questioned is a registered document. Plea of fraud even in civil cases has to be proved beyond reasonable doubt just like criminal charge. In this context I would like to place reliance upon the case law titled as Santokh Singh and another Vs. Sukhwinder Singh and others 2013 (1) PLR 209. Further in case law titled as Union of India Vs. M/s Chaturbhai M. Patel and Co. 1976 CLR 166 the Hon'ble Supreme Court of India has held that fraud like any other charge of a criminal offence, whether made in civil or criminal proceedings, must be established beyond reasonable doubt. In the present case the defendant no. 1 has placed on record tabdil malkiatnama dated 24.12.007 Ex D2, sale deeds dated 24.12.2007 Aneste Ex D1 and Ex.D3 and endorsement of the Registrar on the above said documents goes to show that Chanan Kaur presented the above said documents before the Registrar and admitted before him its execution and receiving of consideration in lieu of the sale deeds Ex. D1 and Ex D3. To prove the sale deed dated 24.12.2007



executed by Chanan Kaur and Balwinder Kaur in favour of Sital Kaur (defendant no.2) and Tabdil Malkiat dated 24/12.2007, the defendants examined Shaminder Singh, registration Clerk, Sub Tehsil Bhunga as DW1, who has brought th summoned record and proved the certified copy of sale deed dated 24.12.2007 Ex DI and photocopy of tabdil Malkiat Ex. D2. The defendants no.1 and 2 further examined Baldev Singh deed writer as DW2, who has brought the summoned record pertaining to sale deed dated 24.12/2007 executed by Chanan Kaur in favour of Sital Kaur and tabdil malkiatnama This witness has specifically stated that both these documents were scribed by him at the instance of Chanan Kaur He further deposed that after scribing both the documents, the same were read over and explained to Chanan Kaur who after admitting the same to be correct put her thumb impression on the documents in the presence of witnesses and the witnesses also signed the documents in presence of Chanan Kaur The defendants also examined Onkar Singh as DW3 who by way of his affidavit Ex.DW3/A specifically stated that Shankar Singh and Chanan Kaur were residing with defendant Jaswant Singh till their death. Chanan Kaur was being looked after and served by defendant no 1 and ration card and voter card of Chanan Kaur were also with Jaswant Singh defendant no.1 For giving reward of the services being provided by defendant no 1, Chanan Kaur transferred her share of agricultural land to the extent of 13 kanals in favour of defendant no.1 through Tabdil Malkiatnama on 24 12 2007 and surrendered the ownership possession of said land to the defendant no.1 He further stated that defendant no.3 Smt. Balwinder Kaur had also sold some of her share of land to the wife of plaintiff as well as to the wife defendant no 1 and lastly on 24.12 2007, she sold her remaining share of land to Sital Kaur wife of Gian Singh alongwith her mother Chanan Klaur The defendants also examined



Daljit Singh son of Jarnail Singh, Lamberdar, as DW4 who by way of his affidavit stated that his father Jarnail Singh had expired. He identified the signatures of his father Jarnail Singh on sale deeds Ex D1 and Ex. D3 which were executed by Chanan Kaur in favour of Sital Kaur and Jawant Singh He also identified signatures of his father Jarnail Singh on tabdil malkiatnama Ex D2 One of the attesting witness namely Gian Singh of tabdil malkiatnama dated 24.10 2007 appeared into the witness box as DW5 and deposed that Chanan Kaur transferred land measuring 13 kanals to her son Jaswant Singh. He further stated that Chanan Kaur got scribed transfer deed from Baldev Singh deed writer and after scribing the transfer deed, he read over the same to Chanan Kaur in his presence as well as in the presence of Jaswant Singh, Jarnail Singh Lamberdar and Chanan Kaur put her thumb impressions on the transfer deed in her presence and he also put his signatures in the presence of Chanan Kaur and other witnesses and thereafter the parties appeared before Joint Sub Registrar Bhunga who also read over the transfer deed in their presence to the parties and Chanan Kaur admitted the same to be correct. He proved the transfer deed Ex D2, In the present case if the evidence on record is to be seen, Chanan Kaur herself alongwith attesting witness Gian Singh was present before the office of Joint Sub Registrar Bhunga for executing the tabdil Malkiatnama Ex D2 and said Gian Singh has been examined and who testified to the correctness of document and identified his signatures on the tabdil Malkiatnama Ex D2 Perusal of sale deeds dated 24.12.2007 Ex D1 and Ex D2 also clearly shows that Chanan Kaur herself appeared before the Sub Registrar for executing the sale deeds Ex.D1 and Ex Di and both these sale deeds have duly been proved by the defendant no.1 by 18 examining Shaminder Singh DW1 and Baldev Singh DW2. The plaintiff has failed to led cogent and convincing evidence, which



could disprove the presumption attached with the registration certificates on tabdil malkiatnama Ex.D2 and sale deeds Ex. D1 and Ex. D3.

23. The learned counsel for the appellant-plaintiff has argued that Chanan Kaar was not in sound disposing mind to be able to execute any document and Jaswant Singh defendant no.1 by exercising undue influence upon Chanan Kaur got executed the documents Ex.D1 to D3. I have considered this contention of learned counsel for appellant-plaintiff but find no force in it. The appellant-plaintiff has not placed on record any medical record of Chanan Kaur which could show that she remained admitted in hospital due to some serious diseases Moreover, it is the case of the defendant no.1 Jaswant Singh that Chanan Kaur was in a fit condition to execute the above said documents. Physical fitness has normally does not mean that the executor was not mentally alert or suffered from any incapacity to execute the testament. There is no evidence that late Chanan Kaur was not mentally fit or alert. Chanan Kaur was approximately 95 years of age at the time, he executed above said registered documents. Even during cross examination Jit Singh plaintiff himself admitted that Chanan Kaur was residing with Jaswant Singh during her life time and all the last rites of Chanan Kaur were performed by Jaswant Singh defendant no.1 Even copy of ration card placed on record mark-D1 shows that Chanan Kaur was having ration card with Jaswant Singh defendant no 1 Since no medical evidence has come forth on record, so the plea that Chanan Kaur was not in sound disposing state of mind cannot be entertained Even no evidence has come on record that on the day of execution or before the date of execution of documents Ex. D1 to Ex.D3, Chanan Kaur was suffering from any serious ailment and was not in sound disposing mind. The documents Ex D1 to Ex D3



were got registered on 24.12.2007 by Chaman Kaur appearing herself before Sub Registrar and disclosing that the same was voluntarily executed by her. This court is of the considered view that Sub Registrar would not have registered the impugned documents Ex.D1 to Ex.D3 in absence of Chanan Kaur or if there would have been any suspicious circumstance, while registering the same. There is no material on record to hold that the Chanan Kaur was suffering from any other kind of physical or mental infirmity which had rendered her incapable of taking a decision with regard to execution of the documents Ex.D1 to Ex D3. The contention of learned counsel for the appellant-plaintiff that Chanan Kaur was not in a fit state of mind is devoid of any merit. The appellant-paintiff has not brought on record any evidence which could show that Chanan Kaur was not in sound disposing mind at the time of execution of the documents Ex D1 to Ex D3 or that she had any ailment. Moreover mere old age was not sufficient to assume failure of the mental faculties to understand and decipher the actions consciously taken by that person, as in this case is the registration of the documents before the Sub Registrar In this context I would like to place reliance upon Prabhawati Devi (dead) through LR's Vs. Champa Devi [2012(4) CCC 602 (Allahabad)] in which the Hon'ble High Court has been pleased to observe in para 5 of the aforementioned authority that, "similarly suffering from ailments including leprosy is no ground to hold that executant did not willingly sign the deeds unless the finding is recorded that the illness was of such a nature due to which executant could not understand and consequence of his action, Illness cannot invalidate a document" Therefore, mere advanced age unaccompanied by any proof whatsoever of the fact that Chanan Kaur was not in fit state of mind, so as to understand the good or bad, would not suffice to altogether invalidate a duly registered documents. Further it is not



disputed that despite having lived for considerable time after the execution of the documents in question, deceased Chanan Kaur never challenged the documents Ex. D1 to Ex.D3 herself during her lifetime It is well settled law that a person pleading the ingredients of fraud, misrepresentation, coercion or undue influence is required to plead and prove the same. In the present case the plaintiff has failed to lead any dogent and convincing evidence to prove that fraud has been committed with him by the defendants. Plea of fraud even in civil cases has to be proved beyond reasonable doubt just like criminal charge. In this context I would like to place reliance upon the case law titled as H.S. Goutham Vs. Rama Murthy & Anr. Etc. 2021 (2) Civil Court Cases 608 (SC) it has been held that as per the settled principle of law, when the fraud is alleged the same is required to be pleaded and established by leading evidence. Mere allegation that there was a fraud is not sufficient In the present case, plaintiff has miserably failed to prove and establish the factum of fraud committed by defendants. Accordingly the sale deeds and tabdil malkiatnama dated 24 12.2007 Ex.D1 to Ex.D3 being a valid piece of documents has an authenticity in the eyes of law and requires to be relied upon as correct one without any result of fraud. So far as contention of learned counsel for the appellant-plaintiff that Jaswant Singh defendant no 1 exercised undue influence upon Chanan Kaur is concerned. The mere fact that Jaswant Singh was son of Chanan Kaur, it would not tantamount to an assumption that he exercised undue influence upon Chanan Kaur There is nothing on record that Chanan Kaur had been subjected to any such undue influence.

24. The other contention raised by the learned counsel for the appellant-plaintiff is that no sale consideration was passed at the time of execution of above said documents. As regards execution of



the documents Ex.D1 to Ex.D3, it stands duly proved by the statements of DW3 Onkar Singh, who identified the photograph of Chanan Kaur on the sale deeds and DW5 Gian Singh attesting witness of the Tabdil Malkiatnama Ex D2 as well as of the scribe. When the execution of document is proved, then onus shifts on to the other party to prove lack of consideration I find that there is not even an iota of evidence on the file to prove lack of consideration. In the recital of the documents, it is mentioned that the consideration was already paid to Chanan Kaur. Even during pendency of appeal, the respondents-defendants no. 1 and 2 moved an application under Order 41 Rule 27 CPC for placing on record certified copies of judgment and decree dated 4.8.2021 passed by learned Appellate Court and certified copies of judgment and decree dated 30.8.2021 passed by the court of Sh. Gursher Singh, the then learned Civil Judge (Jr. Division), Hoshiarpur The said application was allowed and appellant-defendant nos 1 and 2 placed on record certified copies of above said judgments and decree sheets Ex RE/D, Ex.RE/E, Ex.RE/F and Ex.RE/G Perusal of copy of judgment dated 30.8.2016 Ex.RE/E passed by the court of Sh Gursher Singh learned Civil Judge (Jr Division), Hoshiarpur, reveals that Balwinder Kaur (defendant no. 3 in the present appeal) filed a suit for challenging the sale deed dated 24.12.2007 executed by her in favour of Gurdish Kaur etc in which Balwinder Kaur challenged the sale deed dated 24.12.2007 by taking one of the ground that the sale deed is without sale consideration, but the learned trial court did not accept this plea of the plaintiff and dismissed the suit of the plaintiff vide Ex RE/D The appeal filed against that judgment was also dismissed by the Appellate court vide judgment dated 4.8.2021 Ex.RE/F Moreover, if Chanan Kaur had any apprehension about the sale consideration not being received, she could have validity raised the matter before the Sub



Registrar and refused to execute the documents. The registration of the documents would never have taken place, had Chanan Kaur not willing to do the same. Moreover, plea of passing of consideration would not make any difference to the validity of the registered document of sale. In this context I would like to place reliance upon Sulakhan Singh Vs. Hal Kaur 2011 (2) CivCC 495. Hence, this contention raised by learned counsel for appellant-plaintiff stands rejected.

25 So far as the contention of appellant that an old lady has been duped as there was the fiduciary relationship in between Charnan Kaur and defendants no 1 und 2 is concerned, this contention of learned counsel for the appellant does not inspire confidence, since though she seems to be an illiterate women, yet she not a Pardanasheen lady and does not seem so helpless. She appeared before the Sub Registrar and executed the tabdil malkiat, and executed two sale deeds in the presence of witnesses and there is a clear recital in the sale deeds that the amount of sale has already been received at home and defendant was put into possession of the suit land Shaminder Singh DW2 Registration Clerk Sub Tehsil Bhunga. Baldev Singh deed writer DW2, Daljit Singh DW4, Gian Singh one of the attesting witness of tabdeel Malkiatnama testified to the correctness of the tabdeel malkiatana Ex D2, sale deeds Ex D1 and Ex. D3 dated 24.12.2007 Further on the basis of said documents mutation has also been entered and sanctioned in favour of the defendants Hence this argument raised by learned counsel for the appellant-plaintiff is rejected. There is no dispute with regard to the ratio of law laid down and relied upon by the learned counsel for the appellant-plaintiff, but in view of the facts of the present case, the same are not applicable.



10(iii). Both Courts have recorded detailed findings which I do not feel the need to repeat. The findings are findings of facts and are well reasoned. No question of law arises for the consideration of this Court warranting interference in concurrent findings recorded by both Courts.

That being so, the appeal is found to be devoid of merit and is dismissed in limine.

Pending application(s), if any, shall stand disposed of accordingly.

19.08.2025
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(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No