

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

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RSA-2048-2025 (O&M)
Date of Decision: 01.07.2025

BALTEJ SINGH

. . . . APPELLANT

Vs.GURCHARAN SINGH (SINCE DECEASED)
THROUGH HIS LRS AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Kamal Gupta, Advocate, for the appellant.

DEEPAK GUPTA, J.

Plaintiff of the case is before this Court against the concurrent findings of the Courts below.

2. Plaintiff and defendant No.1 are real brothers. By virtue of transfer deeds bearing No.327 dated 08.05.2015, and No.1516 dated 04.08.2015, plaintiff is purported to have transferred the land in dispute in favour of his brother-defendant No.1, who further transferred the same in favour of defendants No.2 & 3. Consequent mutations were also sanctioned.

3. Plaintiff assailed the legality and validity of the transfer deeds and the consequent mutations by submitting that transfer deeds in question are the result of fraud and misrepresentation.

4. The trial Court vide judgment dated 21.03.2018 dismissed the suit by holding that plaintiff failed to prove his stand. The Appellate Court by virtue of the judgment dated 06.03.2025, affirmed the findings of the trial Court.

5. It is contended by learned counsel that the Courts below have failed to appreciate the evidence on record in proper perspective.

6. It will be apt to reproduce the relevant part of the observations made by the First Appellate Court, which read as under: -

15. The suit had been filed by the plaintiff whereby he had sought the relief of declaring the impugned transfer deeds as null and void on the ground that those have been got executed from him by his brother defendant no.1 (since deceased) by playing fraud. It is an admitted fact that plaintiff and defendant No.1 were real brothers. The ground for challenging the impugned transfer deeds Ex.P2 and Ex.P3 by the plaintiff is that he had signed the documents on the pretext that those were required for getting the joint land separated as well as for partition of land. However, on perusal of the impugned deeds Ex.P2 and Ex.P3, it is established that the said deeds bear not only signatures of the plaintiff but also his photographs. It is not the case of the plaintiff that the signatures on Ex.P2 & Ex.P3 are forged signatures but what he has pleaded is that he was not told about the contents of the documents which he had signed. It is a settled law that once a person has admitted his signatures on a document then it does not lie in his mouth to say that he had signed the same without going through its contents. Even otherwise, though the plaintiff has tried to lead evidence that the contents of Ex.P2 and Ex.P3 were not read over to him, however, the said plea has not been proved because the witness PW-3 though in his affidavit Ex.PW3/A has deposed to that effect but during his cross-examination, he has himself stated that he did not approve off the affidavit as tendered. Thus, PW-3 is not a credible witness. The defendants, on the other hand, have duly examined the attesting witnesses of deed Ex.P2 and EX.P3 namely Binder Singh as DW-4 and Karamjeet Singh, another attesting witness of deed Ex.P3 as DW-5 and both the said witnesses have deposed with respect to due execution of the transfer deeds in their presence by plaintiff in favour of defendant no.1 with his free consent. Even, the deed writer DW-1 has deposed that the deeds in question were drafted on the instructions of plaintiff and not only the said witness has proved the deeds to be scribed by him but he has also proved his register entries Ex.DW1/C and Ex.DW1/D, containing signatures of the plaintiff.

16. The other evidence with respect to alleged admission of guilt in Panchayat by defendant No.1 as led by plaintiff in the form of testimonies of PW-2 & PW-4, is without any merits because there is nothing except for the oral testimony of the said witnesses that defendant no.1 ever admitted his guilt with respect to alleged execution of impugned transfer deeds on the basis of fraud as there is nothing in the form of proceedings of such panchayat been recorded in writing. Neither there is any evidence to show on which

date, month or the year the alleged panchayat had been convened. Thus, it cannot be said that the plaintiff has been able to prove the plea of fraud which is required to be proved even in a civil litigation as per the degree of proof required in criminal proceedings.

17. Even the evidence of the plaintiff to show his possession over the suit land by way of khasra girdawaris is without any help to the case of the plaintiff because as per Ex.P2 & Ex.P3 only the share of the plaintiff was transferred and since the suit land is still joint, it cannot be said that such possession of the plaintiff proves the impugned transfer deeds to be void documents.”

7. It is evident from the aforesaid observations, which are based upon the evidence produced on record that not only the signature of the plaintiff on the impugned transfer deeds (Exs.P2 and P3) are proved, even the said transfer deeds are proved by the testimony of two attesting witnesses namely DW3-Binder Singh and DW4-Karamjit Singh. Deed-writer was also examined as DW1, who also proved that transfer deeds in question were drafted by him on the instructions of the plaintiff. It is thus clear that plaintiff executed the impugned transfer deeds at his own volition, which are duly proved on record. He failed to prove the alleged fraud. Even the possession of the transferred land is found to be with the defendant.

8. As such, this Court does not find any ground to interfere in the concurrent findings of facts recorded by the Courts below, which are based upon proper appreciation of factual and legal position.

9. Holding the present appeal to be devoid of any merit, the same is hereby dismissed.

01.07.2025

Vivek

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned	: Yes
Whether reportable	: No