

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

136

RSA-724-2025 (O&M)**Date of Decision: 28.04.2025****MANJEET KAUR****.....APPELLANT****Vs.****JANGIR KAUR AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present: Mr. Sandeep Kumar Bokolia, Advocate
for the appellant.

DEEPAK GUPTA, J.

Suit for declaration regarding property in dispute filed by plaintiff - Manjeet Kaur (*appellant herein*) was dismissed by the trial Court on 21.08.2023 and the said judgment was upheld by the First Appellate Court, while dismissing the appeal of the appellant-plaintiff on 17.01.2025.

2. Assailing the concurrent findings, it is contended by learned counsel for the appellant – plaintiff that Courts below failed to appreciate the evidence on record in right perspective.

3. Perusal of the paper book would reveal that property in dispute was once owned by Santa Singh. Defendant No.1-Jangir Kaur is his widow, and defendant Nos. 2 & 3 are the daughters of Santa Singh. Defendant No.4- Lakhvir Singh; and one Jasbir Singh were the sons of Santa Singh. Jasvir Singh was succeeded by his widow - defendant No.5-Manpreet Kaur.

4. As it appears that Lakhvir Singh son of Santa Singh sold certain land to defendant No.6 Lakhvir Singh son of Baldev Singh, who further sold the same to the plaintiff-Manjeet Kaur.

5. A decree dated 04.12.2017 was passed in favour of defendant Nos. 1 to 3 of the present case in Civil Suit bearing RT-3-2015 titled 'Jangir Kaur and others Vs. Lakhvir Singh and others'.

**RSA-724-2025 (O&M)**

6. Plaintiff of this case challenged the aforesaid decree dated 04.12.2017 to be null and void, mainly on the ground that she was not served in that case; that she had not engaged Mr. O.S. Jaidka and Mrs. Anju Kaura, as Advocates and that the decree dated 04.12.2017 had been obtained by fraud by the plaintiffs of that case i.e., defendant Nos. 1 to 3 of the present case. The suit was contested by the defendants of the present case and ultimately, after framing issues and taking evidence, the suit was ultimately dismissed. The Appellate Court has affirmed the findings.

7. While affirming the findings, the First Appellate Court, in Para 17 of the impugned judgment has referred to the cross examination of plaintiff-Manjeet Kaur, wherein she candidly admitted her signature on the power of attorney (*vakalatnama*) signed by her in favour of Mr. O.S. Jaidka and Mrs. Anju Kaura, Advocates, dated 21.08.2014 besides the pleadings. It was also found by the First Appellate Court that though at one stage, plaintiff stated that she had moved complaint against the aforesaid Advocates, but later on admitted that no such complaint was filed.

8. In the aforesaid facts and circumstances, the Courts below have rightly disbelieved the case of the plaintiff and have committed no error in dismissing the suit. This Court does not find any perversity or illegality in the concurrent findings of the fact as recorded by the Courts below, which are based upon proper appreciation of evidence on record.

No merits. Dismissed.

28.04.2025

Pry

(DEEPAK GUPTA)

JUDGE

<i>Whether speaking/reasoned?</i>	Yes
<i>Whether reportable?</i>	Yes