

Kewal Ram Vs. Manju Rani

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Court : Punjab and Haryana

Decided On : Jul-11-2013

Appellant : Kewal Ram

Respondent : Manju Rani

Judgement :

Manot Kumar Rs.No.3614 of 2012 (O&M) #1#2013.08.13 08:53 I attest to the accuracy and integrity of this document High Court Chandigarh IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH Rs.No.3614 of 2012 (O&M) Date of Decision:

11. 7.2013 Kewal RamAppellant Versus Manju RaniRespondent CORAM: HON'BLE Mr.JUSTICE JASWANT SINGH Present: Mr.S.C.Arora, Advocate for the appellant.

Mr.Daldeep Singh, Advocate for the respondent.

JASWANT SINGH, J Defendant-appellant is in second appeal against the concurrent findings of both the courts below whereby the suit of the plaintiff-respondent for declaration has been decreed vide judgment and decree dated 19.8.2010 passed by the learned Addl.

Civil Judge (Sr.Division).Amloh and the appeal filed by him against the judgment and decree dated 19.8.2010 has been dismissed vide judgment and decree dated 28.3.2012 passed by the learned Addl.

District Judge, Fatehgarh Sahib.

Brief facts of the case are that the plaintiff-respondent filed a suit for declaration to the effect that the alleged sale deed No.1002 dated 14.9.1999 executed in favour of the defendant-appellant regarding the house of the plaintiff-respondent is illegal, result of coercion, without consideration and as such null and void and liable to Rs.No.3614 of 2012 (O&M) #2# be set aside.

On the other hand, it was submitted on behalf of the defendant-appellant that sale deed was executed by the plaintiff- respondent in favour of the defendant-appellant after receiving an amount of Rs.2 lacs as consideration and that too with her free will and as such, the same is perfectly valid.

Heard learned counsel for the appellant and perused the paper book.

A perusal of paper book reveals that the plaintiff- respondent filed a suit by alleging that her husband is a Broker of Iron and Steel Scrap at Mandi Gobindgarh and the defendant is an employee of M/s Asian Alloys Ld, Mandi Gobindgarh.

It is further alleged that husband of the plaintiff was having business dealing with Asian Alloys and there were certain dues against the said Company to be paid to the husband of the plaintiff but when he demanded, then he was given a threat by its two Directors namely, Subhash Sachdeva and Surender Sachdeva and ultimately he was kidnapped on 12.9.1999 at the instance of those Directors and was given a serious beating by the police in the presence of abovesaid Directors and the defendant-appellant.

It is also alleged that husband of the plaintiff was threatened to be liquidated unless he executes a sale deed of the house in question, the title of which stood in the name of the plaintiff.

It is necessary to mention here that the plaintiff-respondent remained admitted in Afza Nursing Home, Ludhiana from 8.9.1999 to 19.9.1999 Rs.No.3614 of 2012 (O&M) #3# but despite that Naib Tehsildar himself visited the hospital, where the plaintiff was admitted and got her signatures on the sale deed in the presence of both the above Directors by showing the Revolver and in these circumstances, the

sale deed was executed on 14.9.1999.

The factum of registration of sale deed on 14.9.1999 by the Tehsildar in the hospital itself is not denied by the defendant-appellant rather he tried to explain that since the plaintiff was admitted in the hospital due to disk problem, therefore, she herself requested the Sub Registrar, Mandi Gobindgarh to visit the hospital.

It is very strange that the Sub Registrar himself visited the hospital to get the signatures of the executant for registration of a sale deed, when there was no such extreme urgent situation warranting the presence of Sub Registrar.

Learned trial Court while deciding issue No.1 came to a definite finding and firm conclusion in para 20 of its judgment to the effect that instant case lacks passing of any consideration in favour of the plaintiff by defendant and on this ground alone, no valid sale deed has been executed and no title passed in his favour and those findings were affirmed by the learned fiRs.Appellate Court also.

Now, again before this Court also, those findings of facts are tried to be disputed by the appellant by submitting that the consideration of Rs.2 lacs was paid before registration as the same is recited in the sale deed but that is not correct as the sale deed itself revealed that consideration amount of Rs.2 lacs was to be received Rs.No.3614 of 2012 (O&M) #4# before Sub Registrar but there is no evidence to substantiate the same that the sale consideration was received by the plaintiff-respondent on account of sale deed.

No substantial question of law is involved in the present appeal for adjudication under Section 100 CPC.

Dismissed.

July 11,2013 (JASWANT SINGH) manot JUDGE

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