

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3523 of 2009 (O&M)
Date of Decision.27.08.2015

Sukhminder Kaur

.....Appellant

Versus

Nihal Kaur and another

.....Respondents

Present: Mr. Navjot Singh Wahniwal, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The suit was for annulment of a decree brought about in the year 1985 by a suit instituted in the year 2005. The decree which was sought to be assailed was a decree under the terms of which the plaintiff/daughter-in-law had allowed the property to be handed over to the mother-in-law as per the family settlement. Her husband was alive at that time. The suit was filed 20 years later on a plea that she went to the Court thinking that it was a revenue court and her statement was recorded in the Civil Court thinking that she was making a statement with regard to obtaining mutation of revenue entries in her name. The Court found that such a contention did not present the true state of affairs and declined to interfere with the decree which was already passed. The Appellate Court also affirmed the same.

2. Learned counsel appearing on behalf of the appellant states that a daughter-in-law could never be made liable for maintenance

claim for the mother-in-law and therefore, a decree which was passed was against the public policy. Further the family settlement under the terms of which the property was sought to have been granted to the mother-in-law had not even been filed particularly when the mother-in-law was not present in Court to affirm for the rights which she was canvassing for. These contentions must have been taken care before the compromise decree was passed and it cannot be challenged in suit before the Civil Court after 20 years. Even the contention that she went to Civil Court under the impression that she was allowing for mutation entry to be made when actually she was giving up right to the property and allowing for the mother-in-law to claim, is too tall a story for any Court to believe. If the two Courts below have rejected it, there is no scope for making an intervention in the second appeal.

3. There is no substantial question of law for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 27, 2015
Pankaj*