

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

**Regular Second Appeal No.4368 of 2014 (O&M)**  
Date of decision:15.09.2015

Lakhvir Singh

... Appellant

versus

Sukhwinder Singh and another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

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Present: Mr. K.S. Rekhi, Advocate,  
for the appellant.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

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**K.Kannan, J.** (Oral)

**CM No.3843-C of 2015**

Exemption granted, as sought for. Annexure A-1 is taken on record.

Application stands disposed of.

**Regular Second Appeal No.4368 of 2014**

1. A suit for declaration of 1/3<sup>rd</sup> share was made in respect of properties which the plaintiff claimed as belonging to his father and 3 sons, of whom Sukhwinder Singh and Darshan Singh were the younger brothers to the plaintiff. The suit was dismissed and the appeal was also dismissed and in the second appeal, the plaintiff

would restrict his argument to a decree obtained on the basis of a compromise before the Lok Adalat and recorded on 20.11.2004, under the terms of which, the brothers-Sukhwinder Singh and Darshan Singh had offered to make sales in respect of property of 3 kanals each. This compromise was effected in yet another proceeding where the plaintiff had brought a suit for a declaration that the sale executed by the father in favour of Sukhwinder Singh and Darshan Singh was illegal and not binding on his share. The father had already made a sale in favour of the plaintiff for 24 kanals 1 marla and one brother Sukhwinder Singh had given a statement that he will give 3 kanals of land to the plaintiff. Darshan Singh, who was the party to the suit, was not before the Lok Adalat and, therefore, would not make a sale in favour of the plaintiff as demanded by the plaintiff. The counsel would argue that Darshan Singh shall also be directed to execute the sale.

2. I have seen the terms of the compromise entered before the Lok Adalat. Only Didar Singh and Sukhwinder Singh, who were defendants 1 and 2, have given their statements and Darshan Singh had not appeared before the Lok Adalat. There was no other written instrument, on the basis of which, the plaintiff could claim such a right of compelling Darshan Singh to execute a sale in favour of the plaintiff. If there was no contemporaneous document written and the Lok Adalat had also not taken any document from the 3<sup>rd</sup>

defendant, there was no way by which the plaintiff can seek for such a relief as an alternative prayer for his claim for 1/3<sup>rd</sup> share.

3. The only point urged before me does not merit acceptance and the second appeal is dismissed.

**(K.KANNAN)**  
**JUDGE**

15.09.2015  
sanjeev