

**Sr. No. 113
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CM No.11730-C of 2015 and
RSA No. 6470 of 2014 (O&M)
Date of Decision 19.10.2015**

Ram Nath

...Appellant

Versus

Udai Ram through his LRs. Vinod Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manoj Kaushik, Advocate,
for the applicant-appellant.

K.KANNAN J. (ORAL)

CM No. 11730-C of 2015

Application for restoration is allowed, as prayed for and
the appeal is restored to its original number.

CM No. 15427-C of 2014

For the reasons stated in the application, delay of 06
days in filing the appeal is condoned.

Application stands disposed of.

RSA No. 6470 of 2014

In a suit claiming 1/3rd share as one of the heirs to the
father, defendants took a plea that the plaintiff had been given in
adoption to one Deena Ram and stood by the benefit of the
properties obtained from the family to which he was adopted. The
plaintiff had himself given a letter in writing at the family partition
which was established at the trial that he would have no claim to

the property of the family of the defendants and as representative of his natural father Udai Ram. The Courts below rejected the plaintiff's claim as not tenable, found the family partition to be true and also held on evidence that the plaintiff had come by benefit from his adoptive family and hence, the plaintiff is not entitled to any right in the property.

I had directed the appellant to produce document DW-4/B which was family settlement and the Will said to have been executed by Deena Ram which was said to contain a recital about the plaintiff's own status. The documents though not produced, the counsel is prepared to admit that DW-4/B contains a clear recital that the plaintiff was not making any claim in relation to the property belonged to the family of Udai Ram. The decisions of the Courts below would conform to the evidence given and would call for no intervention in second appeal. The decisions are confirmed as requiring no consideration of any substantial questions of law and dismiss the same.

Regular Second appeal is dismissed.

19.10.2015

vandana

**(K. KANNAN)
JUDGE**