

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

RSA No.1966 of 2012
Date of decision : 15.02.2016

Mohinder Singh

...Appellant

Versus

Simarjit Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Rahul Rampal, Advocate for the appellant.

Mr. Namit Gautam, Advocate for respondent Nos.1 and 2.

AMIT RAWAL, J. (Oral)

CM No.5421-C of 2012

For the reasons stated in the application, which is duly supported by an affidavit, delay of 2 days in filing the present appeal is condoned.

Application is allowed.

Main Case

The appellant-plaintiff is aggrieved of the concurrent findings of fact, whereby suit filed on 21.04.1999 challenging the consent decree dated 11.04.1996 allegedly executed by Gulab Kaur mother in favour of

grandsons Simarjeet Singh and Rajdeep Singh sons of Jatinder Singh, brother of the plaintiff, has been dismissed by both the Courts below.

Mr. Rahul Rampal, learned counsel appearing on behalf of appellant-plaintiff submits that consent decree dated 11.04.1996 required registration. The consent decree also reflects some oral family settlement in which plaintiff was not party therefore any family settlement at their back would not have affect. All these facts have been ignored by the Courts below and thus substantial question of law arises for determination.

Mr. Namit Gautam, learned counsel appearing on behalf of respondents-defendants submits that consent decree is registered. It was self-acquired property of the Gulab Kaur and, therefore, by virtue of decree, transferred the interest and title in the property, in favour of grandsons. Both the Courts below have concurrently found that plaintiff failed to discharge the onus.

Mr. Rampal, in rebuttal submits that no witness from the office of Registrar has been examined to prove the registration of the consent decree.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no substance in appeal, much less, submission of Mr. Rahul Rampal as Gulab Kaur was the exclusive owner of the property. She could sell away or suffer decree in the manner as has been done in the instant case. It is not the case where the property at the hands of Gulab Kaur was ancestral in nature. Gulab Kaur died on 30.12.1998 and during her lifetime she did not challenge the decree. No right accrued in favour of the plaintiff to challenge the decree. It is common practice that

after demise of the elder person, one of the sibling files the suit and against other siblings.

No interference is made out, much less, no substantial question of law arises for determination by this Court.

Appeal is dismissed.

15.02.2016

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**(AMIT RAWAL)
JUDGE**